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Advocate's' Editorial Policies Announced

by Dennis L. Wittman
Editor

The beginning of another school year usually means a lot of names and faces will be added to the long list of law students who have filled January Hall's time-worn classrooms. At a time like this, it is appropriate for the law school newspaper to take on a new name and face and to explain some of the reasons behind the changes as well as the direction we intend to go.

First, using "we" in the paragraph above refers to the editorial spokesman for this paper and not to January Inn, the student organization sponsoring this journalistic endeavor, nor Dean Lesar, who has consented generously to help finance this paper. This is just another way of stating the usual disclaimer that the principal responsibility for the news and opinions in this paper rests with its editorial staff.

Second, the name of the paper has been changed from "The Advocate" as it was known last year and has been known on and off for a long time, to "The Advocate". Besides being a name less readily used by other law school papers, "Advocate" hopefully denotes a more positive, well-presented outlook than a name borrowed from a legal term now of primarily historical interest. The positive approach will be reflected, we believe, in the adoption of our offset-printed format and in preparation of the news in a professional, mature, and thoughtful manner.

This brings us to the basic reason for making the changes in name, outlook, and appearance: Where "The Advocate" is going and why.

A law school, at least a good one that is alive and healthy, should be, and is, a breeding ground of not only scholarly study and research but also of a whole spectrum of interests, opinions, and activities centered chiefly on one object: learning the law.

The Washington University School of Law, though a bit smaller than its brethren among the Eastern schools or Big Ten, is the description in the paragraph above. Thus, the newspaper of this law school has the opportunity to cover and comment on that spectrum of activities.

Even more important, the newspaper of this school should help to help attain the primary object of learning the law, always a subtle and never-ending process.

With this in mind, "The Advocate" will try not only to cover the news related solely to events in the Washington University School of Law but also will attempt, given the limitations of time, money, and manpower, to relate developments in the law to the students. Another aim will be to provide as much information as possible on the legal profession and those who are practicing law.

In meeting these goals it is hoped that there will be maximum participation by law students. It is the object of the editorial staff to make "The Advocate" another vehicle for student legal writing, though, of course, not of the scholarly type. (Cont. page 2, col. 1)

Freshman Program Overhauled: Course Hours Reduced

When the 1969-70 first-year law students begin classes Friday at Washington University, they will face a curriculum that has undergone substantial reorganization by the faculty.

The new course schedule calls for freshmen to take the usual non-credit, one-semester course in Legal Research and a four-hour credit course in Property. But those are practically the only similarities between the 1969-70 program and that offered last year's freshmen.

Most notable of the changes is a reduction in total number of credit hours required for freshmen from 18 to 15. Each semester the first-year students will carry a four-hour load compared to a load of 15 and 16 hours taken by the 1968-69 class.

Another major change is the reduction in the maximum number of credit hours for any given course from five hours to four with no course scheduled to run beyond a semester. In the past certain courses have been designed as year-long programs with two or three hours' credit given for each semester provided that a passing mark was made on a single final examination given at the end of the year.

The new line-up for first semester will consist of four-hour credit courses in Property, Torts, Contracts plus a two-hour course, Legal History, and

non-credit Legal Research.

Second semester courses with four hours' credit will be Civil Procedure and Constitutional Law, while Criminal Law and Legal Process will be for three-hours' credit.

Final examinations will be given at the end of each semester with

Faculty Adds Course In Legal History For Freshman

The impact on the American legal system of economic development and technological advances are only two of the topics Professor Lewis R. Mills hopes to touch on in his new course, Legal History, recently added as a required subject for freshmen beginning this fall.

Mr. Mills said that much of American law can be understood fully only by knowing the history of the development of the law. "I hope to provide the history behind some of the more important of those areas of law," he said.

According to Mr. Mills, there are many appropriate topics for a course in legal history, but one of the problems is obtaining usable teaching materials.

The systematic study of the history of American legal system is apparently still a wide open field with only a few topics having been developed fully. "The study of

credits awarded at the end of each grading period. Naturally all the courses each semester are required courses with no electives permissible.

Legal History was added to the curriculum to round out the first-semester load and to take up the "slack" in providing historical

American legal history may be 80 years behind that of England," Mr. Mills said.

The basic text for the new course will be a collection of cases and materials entitled "Historical Introduction to the Legal System," by Spencer L. Kimball.

Mr. Mills explained that Kimball studied under Willard Hurst, Dean of the School of Law at Wisconsin and the recognized authority on American legal history. Mr. Mills likewise studied under Hurst while working on his S.J.D. at Wisconsin.

Mr. Mills said the course probably will begin with a look at the history of English common law and the law of equity with attention to the origin and development of common law courts, courts of equity, and development of areas of the law like torts, contracts, and criminal law.

From that base attention will be turned to how the English common law brought to America has been

(Cont. page 3, Col. 1)



The Advocate

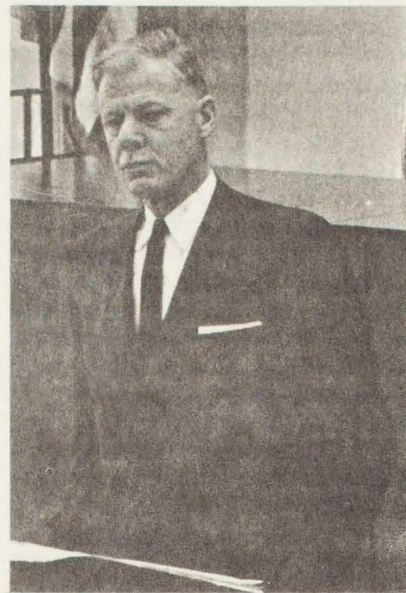
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Freshman Class May Top 120 When Registration Complete



DEAN HIRAM H. LESAR

Compulsion Highlights Expanded Orientation

A screening of the film classic, "Compulsion," and a detailed discussion of the legal issues raised therein will highlight an elaborate orientation program tomorrow and Thursday for first-year law students.

The program, planned, operated, and sponsored by January Inn, the student bar association of the Washington University School of Law, is designed to introduce incoming students to both the school itself and the study of law.

According to Robert G. Palmer, student body president, 1969 Orientation has been styled to answer as many questions as may

This year's freshman law class may turn out to be one of the largest in recent years at Washington University, but the exact size of the class won't be known for sure until registration is completed today.

Approximately 140 confirmations in the form of \$50 tuition deposits had been received by Dean Hiram H. Lesar's office by the last week of August. However, thanks to the draft, there has been an almost daily fluctuation in the number of freshmen expected.

Regardless of its exact size, the freshman class probably will have the following characteristics:

1. A larger number of women - 14 of 35 were accepted.
2. More black students - four or five are expected to register, compared to one last year.
3. A lower median LSAT score - down to 554 from 1968-69's 576.
4. A slightly higher grade point median.

Of almost 500 applications reviewed by the admissions committee, 398 were accepted. Judging from previous years, Dean Lesar said the law school expected confirmations from 33 to 40 percent of those accepted.

But Dean Lesar also pointed out that the actual size of the freshman class usually turns out well below the total number of confirmations. Last fall 85 confirmations were received just before registration, but only 72 freshmen showed up, and several of those were drafted during the school year.

Dean Lesar said the increase in black students was partly the result of a "conscious effort by the admissions committee to recruit among minority groups" and partly an increased awareness of legal opportunities opening to member of those groups.

(Cont. page 4, col. 2)

Orientation officially will begin at 8:30 tomorrow morning with a convocation in the court room of January Hall (room 110). Palmer and Dean Hiram H. Lesar will make introductory remarks and welcome new students, and members of the

(Cont. page 3, col. 3)

background in the development of the common law.

With the reduction in class hours for courses like Torts, Procedures, and Crimes, the faculty assumed that instructors might not be able to present relevant historical background material.

The curriculum changes were proposed by a committee composed of Professors Arno C. Becht, Jules B. Gerard, and Dale Swihart. The changes were adopted by the faculty late last spring.

According to Mr. Gerard, the changes are the product of faculty discussion over the past two years, beginning when the total number of credit hours required for graduation was reduced from 90 to 86.

"With the reduction in requirements for graduation several of the faculty thought it was unnecessary for students to carry so many hours their first year, the toughest part of law school," Mr. Gerard said.

In planning any curriculum, Mr. Gerard explained, the problem always is the total number of hours required versus the total number of courses. "When I was in law school here," he said, "I thought it was a lot easier to keep track of fewer courses meeting for more hours than to be faced with several courses meeting for only two hours or so each week."

He added that the faculty considers a normal semester load to be 14 or 15 hours. "By requiring

four courses each semester we are more than compensating for the adjustment in total credit hours," he explained.

"The changes should help freshmen in preparing for examinations by testing them at the end of each semester rather than requiring them to go back over material covered at the beginning of the year as well as that given in May," he commented.

"The draft was not one of our reasons for proposing these changes," Mr. Gerard said. But he concluded that he views as an additional benefit the fact that a first-year student drafted at the semester break will now be able to leave school with at least some of his law school credits on his record.



JULES B. GERARD

The Advocate
The student Newspaper
of the
Washington University
School of Law

Published during the months of September, October, November, December, February, March, and April by January Inn, the Student Bar Association of the Washington University School of Law.

Welcome From Dean

To the Class of 1972:

I am happy to welcome you as you prepare to study law at Washington University.

The law is an ancient profession, and ours is one of the oldest American schools. In neither case is age a handicap. Tradition serves a useful civilizing influence, and the profession recently has been showing new vigor in attacking the problems of modern society. As for the school, the faculty is continually reviewing the curriculum to keep it abreast of our ever-changing world, and construction is about to begin on a larger, completely modern building. The plans are that the latter will be finished in time for you to spend your senior year in it.

Your classmates come from all over the United States. Yet, there are not so many of you that you cannot know each other. And the high faculty-student ratio assures you that you can have access to the faculty as individuals.

The Washington University campus provides an ideal atmosphere for study, for discussion, for needed recreation and for the formation of lasting friendships. We know you will want to make the most of these opportunities.

Hiram H. Lesar
Dean of the Law School

Stress Student Bar

To the Law School Student Body:

Students have a valid interest in their education. They have a common interest: To be prepared to live in the "real" world. Since most of us will spend three full years here, we want those years to be fruitful. Those years are ones during which we will form many of our basic attitudes toward the law and the law profession. During those years we will forge our personal goals and future aspirations.

Students, organized as a Student Bar, can deal most effectively in their education. The Student Bar can provide services to members in the form of educational programs, placement programs and social events. This Bar can provide information with respect to legal problems, channels for student publication and representation in their law school and in the professional bar. The Student Bar is a link with the "real" world. Your participation, as a student, in programs provided by this Bar can complement valuably your learning and life during those three years.

January Inn now has programs which will provide such outlets and avenues in your education. I hope that you will take advantage of our services. I welcome all freshmen and returning students and wish you success during the coming year.

Robert G. Palmer
President, January Inn

Editorial Policies Stated

Cont. from page 1

nature of "Law Quarterly" and "Urban Law Annual."

Finally, if "The Advocate" does nothing else, it will succeed if it can diminish the frequency and widespread circulation of the many stupid rumors that seem to float about these corridors from year to year.

The rumors, ranging on practically everything imaginable, are outlandishly untrue and often aggravate another problem area in this school, i.e., faculty-student relations.

Several faculty members have said that the relationship between students and the faculty is strained, not cordial, and "not what it should be." We would agree, and without fixing the blame for the strain, we hope to make the relationship a better one, since that certainly will go a long way toward attaining the object for our presence here - learning the law.

We believe one of the best steps that can be taken to improve faculty-student relations is to make the law student here a better informed person about his school, his courses, his instructors, and the world of law around. With this end in mind, we solicit your support, your suggestions, and your criticism. We need people to work on the paper, either as writers or layout and composite assistants. We need student-written material - everything from letters-to-the-editors to samples of legal research or creative writing. For this is a "student" newspaper.

Prof To Go On 18 Month Leave

William C. Jones, professor of commercial and comparative law with extensive background in languages, has obtained a three-semester leave of absence beginning in January to study contract formation in Nationalist Chinese commercial law.

Mr. Jones expects to leave for Taiwan no later than next July. From January until the time he leaves, he will do research on the subject at the relatively few places in the United States where information is available. One of these is Washington, D. C.

For the 12 months Mr. Jones is in the Far East, he will work at National Taiwan University. The product of his research may be either a book or at least an extended article on Chinese commercial law, he said.

While Mr. Jones is gone the course on the Uniform Commercial Code normally taught by him will be taken over by an instructor on leave at Washington University from another school.

Although UCC will be offered during the coming fall semester and presumably next year by a visiting professor, Mr. Jones's course, Law of Communist Nations, probably will be dropped after this fall until he returns, unless his replacement is as versatile as he is.

Mr. Jones said he hopes to learn as much as possible about the current commercial law used by the Nationalist Chinese and whether the law in practice is the same as that in the books.

According to Mr. Jones, a civil code for mainland China was developed in the late 1920's but probably was not used extensively because of the internal struggle

Senior Students Could 'Practice' Under LSD's Model Court Rule

by Joseph M. Ellis

The Law Student Division of the American Bar Association has formed a national committee to seek passage in all 50 states of a plan that would permit third-year law students to appear in courts or before administrative tribunals on behalf of indigents.

Known as a "Model Court" or third-year practice rule, the plan was a widespread topic of discussion in Dallas at the recent LSD convention, held in conjunction with the American Bar Association's annual conclave.

The National Legal Aid and Defender Association devoted extensive time to the plan at Dallas as part of its program, "Expanding Legal Services in the Age of Aquarius."

As part of that program Robert G. Barris, a 1969 graduate of the Washington University School of Law and a LSD national delegate to the ABA House of Delegates, led a panel discussion on the subject.

The proposal as adopted by the LSD would allow eligible law students to appear in any court or administrative tribunal on behalf of an indigent, provided the latter had given written consent along with that of a supervising lawyer.

The supervising lawyer would not have to be present with the student in civil and criminal cases where the defendant has no right to assigned counsel anyway so long as the client consented to a lawyer's absence. Where the defendant has the right to assigned counsel, a lawyer would continue to be present and fully responsible.

Under the proposed rule a student would be allowed to appear in criminal cases on behalf of the state if he had written approval of the prosecuting



Professor Jones in conference with a student

between the Communists and the forces of Chiang Kai-Chek and the invasion by the Japanese in 1937. Apparently the code went with the Nationalist Chinese in their flight to Formosa in 1949.

The Chinese copied extensively from the code of the Japanese, who had taken most of their ideas from the German Civil Code written around the turn of the century.

Mr. Jones said that he hopes his research might indirectly shed more light on the commercial law policies that may be followed by Communist China if that country develops a more extensive foreign trade.

At present the Communist government carries on a large amount of foreign trade, and Mr. Jones said he assumes that contract forms common to Western nations are used. Disputes apparently are resolved through arbitration, since there is no communist civil code.

But as the communists develop their trade and if the Peking regime grows less revolutionary, Mr. Jones said it is possible that a civil code will be written for the mainland. If

so, he said that it might be largely on the code in use in Formosa.

Mr. Jones speaks and reads Chinese. He also reads Spanish, Portuguese and "gets by" in French and German. His wife, Jean, attorney for Monsanto and specialist in anti-trust law, accompany him to Taiwan and study Chinese.

A member of the Washington University law faculty since 1949, Mr. Jones previously has been teaching leave to the University of Arkansas and to the University of Freiburg, West Germany. He has served as a lecturer for the International Association of Comparative Law, which headquarters in Strasbourg, France.

Before going into teaching, Jones served as a lawyer in the office of the Solicitor, United States Department of Interior from 1949 to 1951. In 1951 he transferred to the Department of Defense and later was in the Navy as a lawyer in the Judge-Advocate General Corps.

attorney or his authorized representative.

To be eligible to practice under the plan, a student would have to be enrolled in an ABA-approved law school within the state. He would have to have completed four semesters of studies and be certified by the dean of his school as "of good character and competent legal ability."

The student would have to certify in writing his familiarity with the Canons of Ethics. The

certification by the dean would have to be recorded with the clerk of the court in which the student appeared. Under no circumstances could the student ask for or receive compensation for his services.

Presently about 1/3 of the states have adopted this plan or similar. Unfortunately Washington University students in Missouri still have no "model court" rule, and there has been limited exploration of the topic either the state judiciary or bar.

Ellis Urges Students To Back Plan, Rejects Alternative

Joseph M. Ellis, Vice President of January Inn, said after his return from the LSD-ABA convention in Dallas that he would like to see Washington University law students push for a Missouri "Model Court" rule, but he criticized a plan submitted by a University of Missouri law professor.

Ellis said that students could support the rule, which if implemented he sees as providing valuable experience for third-year students, by trying to land a seat for Washington University on the national LSD committee and by writing to members of the Missouri Bar Association and legal aid societies in the state.

However, Ellis was quick to oppose a variation of the LSD plan submitted by Professor Gary Anderson of the University of Missouri for use in state courts. Anderson's plan was distributed to Missouri delegates at the convention.

Anderson's plan, Ellis said, contained one major change from

the rule endorsed by the LSD. The change would allow a law student to appear in a Missouri court with a supervising lawyer present during the entire proceedings.

"This defeats the whole purpose of the LSD plan," Ellis said. He pointed out that one of the objectives of a plan to allow third-year students to practice is to relieve full-fledged lawyers of an unprofitable task of defending indigent clients in small claims and petty crime cases.

According to Ellis, Anderson's proposal would require a lawyer to spend time with a student on a case that the lawyer would not have been forced to do in the first place.

"To achieve acceptance of a third-year practice rule of this kind," Ellis said, "all the lawyers in Missouri will have to back it." He said he doubted that any lawyer would support a system likely to require him to devote more time to indigent cases than is expected now. "Lawyers don't want to handle any more unprofitable cases than they have to," Ellis said.

Ellis said the basic idea of the LSD plan is to provide

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Lea Greenfield, Hardisty Join Faculty As Assistant Profs

Michael M. Greenfield, 25, 1969 graduate of the University of Texas Law School and recently appointed an assistant professor of law at Washington University will teach courses in contracts and tortors' rights during the coming year. He also will devote part of his time to the duties of assistant dean.

Mr. Greenfield was associate editor of the Texas Law Review and graduated among the top 10 students in his class. Texas does not give an exact ranking of its students. The Texas law school is one of the largest in the United States with a full-time enrollment between 1,400 and 1,500 and a graduating class of approximately 500 per year. It awards the J.D. as a law degree.

Native of Waterloo, Iowa, Mr. Greenfield graduated from Grinnell College in 1966 with a bachelor's degree in history. Texas was my second choice after Harvard, and I decided to go there because I was tired of snow, Mr. Greenfield said.

During the summer of 1968 Mr. Greenfield worked in the Chicago firm of Mayer, Friedlich, Pies, Tierney, Brown, and Platt. The firm is one of Chicago's largest with more than 110 attorneys.

"I had decided during my second year at Texas that I wanted to teach law," Mr. Greenfield said. He added that his work in Chicago confirmed his decision.

How does one go about obtaining a teaching position in law? According to Mr. Greenfield, the simplest way -- letting university members know of his intention and registering with the American Association of Law Schools, which keeps a list of prospective instructors and faculty agencies and tries to match the teacher with the latter.

After being at one of the largest law schools in the country, Mr. Greenfield said he looks forward to teaching at a small law school like Washington University's. "Texas is too large and impersonal and is not too conducive to good teaching," he said.

Mr. Greenfield is married, and his wife, Barbara, lives in Ester Groves.

Mills To Stress Technological Impact On Law

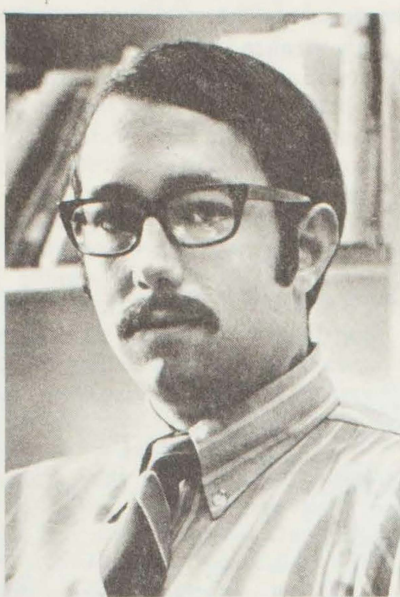
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changed to meet the needs and preferences of American society. As an example of the latter area, Mr. Mills mentioned the possible impact of the impact of 19th century technological advances on the railroad and steamship on law.

The course also may touch on recent technological developments like the influence of computers on the legal system and impact they are likely to have years ahead.

Mr. Mills said there is a definite need for a course in Legal History, particularly for one oriented toward first-year students. "Thirty years ago almost all law schools offered separate courses in common law pleading and equity," he observed, adding that both were dealt in depth with the history of the law.

"Today for many reasons those courses are no longer taught, but there is a need for the historical background they gave is still needed," he explained. Mr. Mills said that several schools, especially those like Harvard, Columbia, and Michigan have recognized the void and tried to fill it.



MICHAEL M. GREENFIELD

Orientation Program

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January Inn Board of Governors will be introduced.

But before tomorrow's convocation a major tool of the orientation program -- The Orientation Booklet -- will be utilized to help solve any problems that first year students may have.

The Orientation Booklet, to be distributed to each new student at first year registration today, contains printed information on a wide variety of topics.

"I strongly urge each new student to examine carefully this material before tomorrow's convocation," Palmer said. He added that he hopes many student questions will be answered in the orientation materials but that there will be ample time throughout the official program for questions and answers.

Specifically, the booklet contains a Washington University student guide complete with a map of St. Louis, a schedule of events, information on housing, books, loans and scholarships, study guides, commercial outlines, hornbooks, sample briefs, a copy of the Canons of Ethics of the American Bar Association, a copy of the U.S. Constitution, and pamphlets on the legal profession.

All of the material is designed for use during orientation or for solving problems before orientation begins. The contents of the Orientation Booklet will be

January Inn News

The election of the freshman representative to the January Inn Board of Governors will be held on October 1. The election will be under the supervision of Norman Drey, secretary of the board. Information on election rules will be disseminated later.

There will be an open meeting for all members of the student body on Wednesday, September 17, at 11:00 a.m., the Board of Governors of January Inn has announced.

The meeting will include a brief oral report on the LSD-ABA convention in Dallas last month as well as a presentation of plans for January Inn for the coming year.

discussed briefly after tomorrow's convocation begins and questions will be answered.

The convocation, besides serving as a problem solving operation, also is devoted to introducing new students to the study of law and how that endeavor should be approached.

Compulsion, based on a novel by Meyer Levin, is a fictionalized account of the famous Leopold-Loeb murder trial of the 1920's. The film will serve as the primary vehicle introducing the first year students to law study.

The film is scheduled to be shown sometime between 9:30 a.m. and noon. After a break for lunch, students will return to the convocation and will be divided into discussion groups led by upper classmen.

One of the goals of the discussion groups will be to analyze the various legal and law-related issues in the movie and construct a "group verbal brief" that will be compared to a written, "model brief" prepared in advance.

"One of the aims in this portion of orientation," Palmer said, "is to show how the study of law is more of a development of a kind of analytical thought process instead of an attempt to learn what the law 'is'."

By showing the film and analyzing the issues therein, Palmer said he hopes first-year students at



JAMES H. HARDISTY

James H. Hardisty, 28, an attorney in a Cleveland, Ohio, law firm for the past three years, has been appointed Assistant Professor of Law and Social Work at Washington University.

Mr. Hardisty will teach Family Law, during the fall semester. The course is open to both law students and graduate students in the George N. Brown School of Social Work.

A native of Minneapolis, Minnesota, Mr. Hardisty graduated with an L.L.B. degree in 1966 from Harvard Law School, where he was a member of the Harvard Law Review. He graduated from Harvard College in 1963 with a B.A. degree in social relations. In Cleveland Mr. Hardisty worked in the firm of Jones, Day, Cockley, and Reavis, the second largest in the city with about 100 attorneys. Between his second and third years of law school Mr. Hardisty worked in the San Francisco firm of Pillsbury, Madison, and Scitro.

Mr. Hardisty said that while in Cleveland he worked in selective service counseling both for clients of Jones, Day and on an informal basis. "I would be happy to talk to students having problems with the draft," he said, pointing out, however, that he still belongs only to the Ohio Bar and cannot do more than informally advise here in Missouri.

Coming to WU as a graduate of the largest law school in the United States, Mr. Hardisty said he looks forward to small classes where an instructor can give more individual attention to each student.

"At Harvard we had large classes of up to 125 especially in required courses," he said. He said that the first year class at Harvard was approximately 600 and that there were 515 in his graduating class. "Large classes often make the Socratic method impractical," he said.

Mr. Hardisty and his wife, Lee, have two children, Frank, 2, and Susan, six months.

January Inn To Hold Forum On Placement

A "placement forum" directed to members of the senior class of the law school will be held sometime during the month of September, Robert G. Palmer, president of January Inn announced.

A time, place, and date will be posted soon.

According to Palmer the forum will be sponsored by the Missouri Bar Association and January Inn. Though the Missouri Bar is a co-sponsor, Palmer said that he believed the presentation would be of interest to all seniors, whether or not they plan to practice in Missouri.

Highlight of the forum will be a panel discussion by young lawyers from both small and large firms and small and large population centers in the state. "This will be a good opportunity for third-year students to have some of their questions about beginning a legal practice answered," Palmer said.

Ellis Backs LSD Practice Rule

Cont. from page 2

counsel, in the form of students, to indigents in misdemeanor and small claims cases where they would otherwise have to defend themselves.

"As long as there is some supervising lawyer to look out for the students as a group, there should be no requirement that a lawyer must be in court with each person who is handling an indigent case," Ellis said.

CJA Topics Deleted

Miller Alters Frosh Crimes 'Plot'

Criminal law, perennially one of the most popular freshman courses in the law school, will be considerably affected by the changes made in the overall first-year curriculum.

"Essentially the first-year course will be devoted entirely to substantive criminal law with criminal judicial administration problems deleted," Frank W. Miller, James Carr Professor of Criminal Jurisprudence said.

Mr. Miller said he reluctantly deleted criminal judicial administration topics when he saw that the first-year course's class time would be cut by 25 percent -- from two hours each semester to three hours in one semester.

In previous years Mr. Miller spent the last two months of Criminal Law covering the major developments in criminal judicial administration, a rapidly changing field, thanks to United States Supreme Court decisions of the past 16 years.

"I am constantly reviewing the material and may delete some substantive criminal law topics so that CJA can be included if I find it necessary," Mr. Miller said, adding that any deletions to make room for CJA would not occur until after 1969-70.

In another curriculum change Criminal Judicial Administration, previously a year-long course taught by Mr. Miller as an advanced study of the field, has been divided into two one-semester courses, with Mr. Miller teaching the first one and Mr. James H. Hardisty the second.

Mr. Miller's course will cover the "whole criminal judicial process" from preliminary investigations to parole revocation. Mr. Hardisty will devote his time to assorted topics including juvenile delinquency and various aspects of

mental health applicable to criminal judicial topics.

"Generally I agree with the changes that have been made in the first-year," Mr. Miller said. He said he was somewhat ambivalent about dividing the curriculum into semester blocks, especially since he had misgivings about teaching Criminal Law in one semester.

"Criminal law contains some concepts that may be a bit more difficult to grasp than other first-year courses," he explained, pointing out that spreading the course out over a year gives more time to elaborate on the difficult points.

But he commented that since he will teach the course during second semester, he may not have to spend much time early in the course "going over the basics" because students will have completed four law courses by then.



FRANK W. MILLER

Meeting

Called

There will be a meeting on Thursday, September 4 at 2:00 p.m. in the Courtroom for anyone interested in being on the "Advocate."

Eligible Students May Get Veterans Benefits

Law students expecting to receive benefits for the first time under the GI bill should take two copies of their certificate of eligibility and a copy of form DD 214 to registration, according to Mrs. Lucille Voelke, Assistant Veterans Adviser for Washington University.

After registering for classes at the law school and making initial tuition payment, veterans should see Mrs. Voelke in the Registrar's Office at Brookings Hall. She will verify the student's enrollment and notify the Veterans Administration of a student's status so that benefit payments may begin.

Mrs. Voelke said that any veterans who have not yet filed for benefits may complete the necessary government forms at her office and thus save a trip to the VA office in downtown St. Louis. Mrs. Voelke said that a copy of form DD 214 is necessary when a student is filing for benefits the first time.

Students who received benefits last year are not required to show their certificates of eligibility in order to start benefits again. Mrs. Voelke said that they should see her after registration and simply confirm their student status with her. She'll notify the VA office.

The first benefit check can be expected around October 10. It will cover time in the month of September in which a veteran actually has attended classes. Thus, for law students receiving benefits, the September check will cover the period from September 5 to the end of the month.

Mrs. Voelke warned that some students who received benefits last year may have trouble renewing them if they did not return an attendance certification form sent out to veterans in last April's payments mailing.

"The form is a blue-bordered, computerized card, and everyone who failed to return the card last spring may have payments held up by the VA," Mrs. Voelke said.

She added that students who failed to return the card should obtain one from her office and mail

Top LSD Job To USC Man

A University of Southern California law student, supported by the Washington University delegation, was elected president of the Law Student Division of the American Bar Association at the annual convention in Dallas.

John Long, a third-year student at USC, defeated Robert Washington, a student at Howard University for the LSD's highest office. The victory culminated more than six months of campaigning by Long, who utilized political tactics associated with national politics such as attending many of the LSD regional meetings and preparing a printed booklet of his position on various issues of interest to law students.

Long, the new LSD president, was Ninth Circuit vice president last year, while Washington, the losing candidate, was chairman of LSD's National Committee on Urban Action.

According to Joseph M. Ellis, vice president of January Inn, the WU student bar organization, there is a good chance that the support given by himself and Robert G. Palmer, president of January Inn, may result in WU's landing a spot on a national LSD committee.

Long and Al Albrecht, Eighth Circuit vice president, will request names of interested students in the near future. Ellis said any WU students interested in landing one of the committee posts should contact the January Inn Board of Governors immediately.

it immediately. "If a student received his May benefits last spring, he probably sent in the card and should not worry about renewing his benefits this fall," she said.

Students must register for 12 or more hours in order to receive full benefits under the GI bill.

Registration For Frosh Set Today

Cont. from page 1

Apparently there will be more female law students because the draft eliminated so many men, although Dean Lesar said Washington University traditionally has accepted more women to the law school than most other schools have.

The dean attributed the drop in the median score on the Law School Admissions Test to a discounting of test scores by the admissions committee in favor of increased emphasis on grade point averages. The median grade point, converted to WU's 3.0 system, is 1.72, up from 1.70 of last year's class.

Dean Lesar explained that the surprisingly high percentage of acceptances to applicants -- roughly four of five this year -- is not unusual for two reasons.

First, the admissions committee attempts to screen out many borderline applicants as possible by openly stating the school's minimum standards of at least a 500 LSAT and a 1.5 average on a 3.0. "Of course, if a person has a very high LSAT and a lower grade point or vice versa, he'll probably be considered," Dean Lesar said.

The screening policy is employed particularly when the law school sends out information to various undergraduate schools throughout the country. Also faculty members stress the school's high standards when visiting undergraduate schools during the annual autumn tours. Finally, when prospective students are interviewed by the admissions committee, the standards are emphasized.

"By discouraging many persons before we even consider applications, we can be more certain that those who do apply will meet the entrance requirements," the dean said.

Second, Dean Lesar said that a law school that tries to compete with the nation's prestige schools for students usually has to accept a greater percentage of applicants.

"Because we have raised our standards, we have many applicants who also apply, and get accepted, to schools like Harvard, Yale, Chicago, Michigan, and Virginia," the dean said. "What it amounts to," he added, "is that as our standards go up, the number of applicants who accept Washington University goes down."

Dean Lesar explained that each fall the admissions committee establishes a minimum entrance standard based on the LSAT and undergraduate records. The committee then estimates how many persons are likely to apply, based on the standard. He said that the committee tries to keep the size of the freshman class down to 120 and that if more than that actually register, the standards are raised the following year.

The admissions committee is composed of the assistant dean (Harvey M. Tettlebaum last year), Professor Lewis R. Mills and Assistant Professor Gary I. Boren.

Book Review—Insanity Defense

The Insanity Defense by Abraham S. Goldstein (Yale University Press, 1967, 289 pgs.).

by ARTHUR SMITH

M'Naghten. Irresistible impulse. Durham.

These are magic words, familiar to anyone who has prepared for Professor Miller's one hour lecture on the insanity defense in the freshman Criminal Law course. Like Pavlov's bell, each evokes a response that (hopefully) sounds something like a criminal court's charge to the jury.

These words lose some of that magic, however, when given a microscopic examination by author Abraham Goldstein in his new book, "The Insanity Defense," one of the recent additions to the Law School library. Goldstein has written a perceptive account of the defense, with chapters devoted to each of the major schools of thought. Although well documented, the work does not share the halting, Hornbook style of writing common to much legal literature.

"The basic outline of the defense," Goldstein notes, "is one which excludes from the ranks of criminals all persons who are mentally diseased and who cannot reasonably be used to serve the purposes of criminal law." But, just as there are differing views on what those purposes of criminal law ought to be, so are there differing rationalizations for the insanity defense. Therein lies much of the confusion frequently found.

The M'Naghten rule (from M'Naghten's Case, House of Lords, 1843), which is the sole test in some 30 states and is combined with the irresistible impulse test (the author calls it the "control" rule) in 17 others and portions of the federal system, understandably dominates the discussion, but Durham (Durham v. United States, 1954), the control rule, and even the relatively new Model Penal Code formulation are carefully analyzed in terms of words used and results obtained in courts favoring each version.

Throughout this overview it is implicit that the author believes the tests in practice are not as different as sometimes thought. "Identical evidence may be admitted under each of them," Goldstein says, "and juries tend to assign much the same meaning to them."

It is the author's view that "the words in which the defense should be cast are... receiving far more attention than they deserve... The

significance of any one of the competing formulae turns on whether one formula leads a trial judge to admit more evidence than another, or experts to testify more usefully..."

This identity of the tests is a reflection of a trend toward liberal interpretation where insanity is concerned. "If this trend continues," Goldstein says, "the insanity defense will become explicitly what it has long been implicitly, a free rendering to the jury of the fullest possible testimony regarding the accused."

Future focus, the author suggests, should be on the consequences of a successful raising of the defense. "An insanity

defense without limits is an attractive prospect if the consequence is prompt successful treatment of offender. Unfortunately this is likely to happen very soon." What is necessary, then, is legislative action to provide a "full range of therapeutic facilities for mental offenders" plus sensible limits on the length of detention.

Goldstein's "The Insanity Defense" will not serve as a Hornbook for an eager freshman hoping to find his way through next spring's Criminal Law course, but it is worthwhile reading for upperclassman anxious to delve more deeply into one of the most fascinating aspects of the court

(Mr. Smith, a second-year student, graduated from Augustana College in Illinois. Before coming to law school he served for two years as a naval officer at the Pentagon. He maintained the high scholastic average in his class during the first year of law school.)

New Law Building Given High Priority

(Reprinted with permission of the Washington University Alumni News.)

From the outset of the University's Seventy by Seventy campaign, a new building for the School of Law has been recognized as an essential element in the goal of establishing and maintaining Washington University as a center for excellence in higher education. Now, although the original challenge of raising \$70 million has been met, and a year ahead of schedule, financing for this vital building has not been completed.

But raising of \$1,750,000 to complete funding of the School of Law building has been assigned high priority.

The rising costs of materials and labor have already driven original cost estimates up. The rising costs of materials and labor have already driven original cost estimates up by 20 per cent. In addition, the projected increases in the growth of the student body in the school are beginning to be realized.

The new building will be constructed on a site west of McMillan Hall. Basic concept is a four-level structure of reinforced concrete. Because of the slope of the site, only the top two levels will be seen from the main campus.

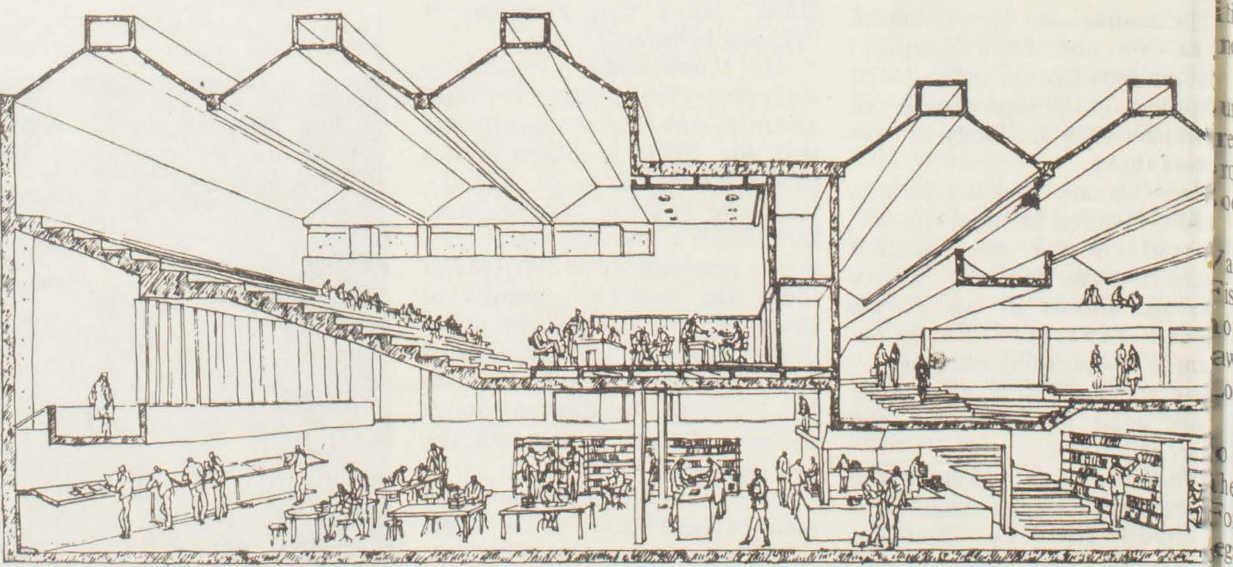
The second level is occupied mainly by the law library with small offices directly adjacent to the open stack and reading area so

that faculty members, students and visiting lawyers can conduct research convenient to source materials. On the third level classrooms, a large high-ceiling courtroom with adjacent judicial chambers, conference and jury room and lawyers' offices, administrative offices and lounge. The fourth level is devoted to seminar and conference room, small moot courtroom, student activities offices.

The 350-seat courtroom on main campus level is planned as an assembly room for the entire student body, but will be used well, with the adjacent facilities for actual court proceedings conducted on campus.

The following is a list of possibilities for Washington University's School of Law:

Library	\$500,000
Courtroom	250,000
Library Reading Room	150,000
Informal Meeting Space	75,000
Classrooms	75,000 to 250,000
Administrative Suite	50,000
Seminar Rooms	35,000 to 150,000
Judge's Chambers	25,000
Law Quarterly Suite	25,000
Urban Law Annual Student Newspaper Suites	15,000
Student Government Suite	10,000
Jury Room	10,000
Offices	5,000
Special Library Rooms	5,000
Library Carrels	1,000



The new Law School courtroom and library (below) are shown in this cross-section of the building. The courtroom on the upper level, planned to serve the dual purpose of trial and assembly room,

will seat 350 persons. The library below is arranged as a "working library" with open stack space, reading rooms, and faculty and visiting lawyer offices and research rooms adjacent to the reading area.



The Advocate

The Student Newspaper
Washington University
School of Law

No 2

St. Louis, Mo. 63130

October 17, 1969

War Moratorium, Webster, Watson Post Election Wins

Tom Watson and Mimi Webster won positions on the January Inn Board of Governors and a resolution in support of the Viet Nam War Moratorium passed overwhelmingly in law school elections last week.

Watson defeated Robert Ford 59-29 for the post of freshman class representative to January Inn. Watson and Ford earlier had been the two leading candidates in a preliminary election that included Gene Goetz and Mariva Rodemeyer.

Miss Webster captured the spot of junior class representative to January Inn with a 39-4 landslide victory over Charlie Himeles. The junior class position became vacant when Joe Sanchez resigned to devote more time to studies. However, in another election Sanchez was one of two juniors named to the law school Honor Council.

Supporting the nationwide moratorium which was scheduled for October 15, the resolution carried by a vote of 145 for, 43 against. The resolution cited various facts about the war to show how much the United States has spent in lives, time and money "at the expense of urgent domestic programs" with "no end in sight."

The resolution called for the faculty to observe the moratorium "by cancelling regular classes in order to leave students free to attend seminars and discussions on the legal and non-legal issues of the war."

When the resolution was submitted to the faculty, it was uncertain whether it would be accepted. However, the probable outcome appeared to be that faculty members would be free to hold or cancel classes as they saw fit.

Several faculty members stated their individual positions on the moratorium when they met their classes last Friday. Professor Daniel R. Mandelker submitted a note last week to the January Inn Board of Governors expressing his support for the resolution.

(Cont. on p. 2 col. 5.)

Legal Aid Program Underway

January Inn, under the guidance of a three-member steering committee, is in the process of formulating a voluntary program manned by Washington University law students working with lawyers in the St. Louis Legal Aid office.

About 30 students so far have responded to the request for volunteers made last month by Robert G. Palmer, president of January Inn, the law school student bar association. Palmer said that most of the volunteers have been freshmen.

Al Rose, a third-year student, is chairman of the legal aid committee which includes George Parker and Susan Glassberg, second-year students. Rose has been categorizing the interests that volunteers have expressed in a legal

(Cont. on p. 4 col. 1)



Mrs. Whitney Harris breaks ground for a new law school building.

Ground Broken For Law School

Construction officially began last month on the new law school building with the traditional ground-breaking ceremonies officiated by Washington University Chancellor, Thomas H. Eliot.

Mrs. Whitney Harris turned the chrome-plated shovel that lifted the first bit of soil for the new school. She is the daughter of Mr. and Mrs. Edgar A. Freund of St. Louis. The Freunds have given the largest contribution to date for the law school, and Mrs. Harris represented them at the ceremonies.

Mrs. Harris's husband, a St. Louis attorney, was formerly a law professor at Southern Methodist University and served as a lawyer for the prosecution at the Nuremberg War Trials in 1946.

After Chancellor Eliot introduced Mrs. Harris and other dignitaries, law school dean Hiram H. Lesar said that the new

building would enable the student body to be expanded to a range of 300 to 500.

The dean said the aim is to have a private law school of top quality, and he added that a student body in the 300-500 range with comparable additions to the faculty is the optimum size for such a school. "We'll be of sufficient size to offer all needed courses and still be small enough for students and faculty to know one another on a close basis," the dean said.

In the 102 years of the law school's history, there have been six buildings beginning with one on Chestnut Street in St. Louis. January Hall, the current site of the law school, was built in 1922.

Law Students Needed to Staff Ghetto Teaching Project

By Susan Glassberg

Mrs. Glassberg is a second-year student as a staff member of the Legal Aid team teaching project. Students interested in this project should contact Mrs. Glassberg or Al Rose of the January Inn Legal Aid Committee.

"I feel good knowing that the law really tries to, although I feel that it always doesn't. Sometimes it's due to the fact that one is guilty sometimes a person is even innocent and yet found guilty for lack of evidence. I found out all those times my family and me were taken advantage of, it was only possible because we as citizens and abiders of the Constitution just didn't know our rights."

The person talking was a high school senior at Sumner High School in the St. Louis black ghetto area, and the occasion was a class in a pilot program of legal education run by the Legal Aid Society of St. Louis.

The teaching was conducted this summer at Sumner and Sumner high schools by Philip F. Fishman, a Legal Aid staff attorney. The program will be turned over this year to teams of law students from Washington University and St. Louis University.

At present, applications at St. Louis University participate in the program are running 2 to 1 ahead of those being received at Washington U. For Washington U. students interested in both legal aid and problems in the urban core, the project seems to be a perfect outlet.

Similar projects have been implemented in other major cities, but the theme has been one of teaching law and order. According to coordinators of the program here, the focus in St. Louis is on the "mind-expansion of inner city youth."

A real effort is being made by the program organizers to encourage law students to take up positions on the teams of teachers that will be sent into the inner city high schools.

To combat any fear of physical harm, the teachers will work in teams. To combat fears of the lack of classroom training the teams will be encouraged to cooperate in preparing and presenting material to their classes.

The Legal Aid office will assist by distributing to the teams various hypothetical problems for class as well as pamphlets and other reading material on the substantive law for background purposes.

Each team will teach in the same class for one hour twice a week. The participating schools are flexible and the teams probably can select any hour between 9 a.m. and 3 p.m. for their class.

The project is operating under a grant from the Danforth Foundation. A provision has been made for compensation to be paid to the law students who teach in the program, but no salary scales have been fixed to date.

But to insure that financial considerations are not foremost in the minds of any volunteers, the project coordinators will retain a degree of selectivity by screening out those without more than superficial dedication. The screening also will sort out those with racial or economic prejudices or those only willing to teach a law and order point of view.

To the high school students in the program, the course presents a unique experience not only in subject matter of immediate importance but also in a learning environment divorced from textbooks. Classes frequently employ role-playing games and informal seminar-type discussions on hypothetical problems.

Student participation is encouraged by the timely topics covered including juvenile law,

drugs and narcotics, family law, civil rights, automobiles and the law, contracts and consumer rights, landlord-tenant relationships, and the procedural aspects of criminal law like search and seizure and evidence. The problems of selective service also are covered, since that is a legal question of equal importance to all young men, whether they are in college or high school.

Participating students this summer lavished high praise on the course. Many comments were like this one by a Sumner High School senior: "I feel that now, I can help more with any problem we might run into or if I happen not to know the answer to a few I can do the most important thing suggested by Mr. Fishman - see a lawyer."

Another student said: "Mr. Fishman taught us in a way that we could understand how the law works and when. The law works for everybody and that is why it was designed, and the law does work. In all the courses I have taken this was the most interesting."

Students with records of disinterest and repeated failure participated actively in class discussions and even did outside reading. Some encouraged others "to be better prepared for Mr. Fishman."

Even so, based on experiences this summer, there probably will be times when tensions will flare and teachers may be subjected to verbal abuse. Law students who take these teaching positions will have to face some high school students who believe that "if you got the money you got the law."

To insure that the law students who volunteer will be properly equipped, an orientation program will be conducted, and actual classroom teaching probably won't begin until early in 1970. Until then classes will continue to be conducted by Legal Aid lawyers with law students sitting in as observers.

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News **Gerald Dehner, Gene Goetz, Dennis Wedemeyer**
Features **Patti Byrne, Paul Schroeder, Mark Goodman**
Special Contributors **Arthur Smith, Jeffrey Vaughan**

Justices Should Drop Outside Activity: Gerard

As the United States Supreme Court begins its annual term, there is a swirl of controversy and speculation about and around it, resulting from the recent Fortas controversy, the present Haynesworth furor, and a long line of important decisions during the past 16 "Warren years."

The Fortas and Haynesworth dilemmas raise questions of outside judicial activity that law professor Jules B. Gerard would like to see resolved by encouraging the Supreme Court justices to disengage themselves from almost all outside activity.

Mr. Gerard, who teaches courses in Constitutional Law and Federal Jurisdiction and Procedure, said he thinks it is extremely unwise for justices of the Supreme Court to engage in any outside activity.

"They are elevated to do the business of the court, and their energies and talents should be devoted to that purpose and that purpose alone," Mr. Gerard said.

Whether legislation should be passed to curtail outside business activities by justices is a question on which Mr. Gerard has not yet made up his mind. "I would be reluctant to see legislative steps taken in that direction, because the laws passed might turn out to be unwise," he said.

"It would be preferable to have men sitting on the court who would be sensitive to such matters so that legislation would not be needed," he said.

Even on the question of outside activities apart from financial ventures Professor Gerard has some reservations. He cited the example of Mr. Justice Robert H. Jackson's serving at the Nuremberg War Trials in 1946 as one of the outside activities infringing on the role of a justice. While Jackson was in Germany several decisions by the court resulted in a 4-4 split.

Another incident of this nature occurred when the former Chief Justice of the United States, Earl Warren, was conducting hearings of the commission that investigated the assassination of President John F. Kennedy.

Mr. Gerard said that the recent controversies involving Justice William O. Douglas and former Justice Abe Fortas, as well as the revelations of indiscretion in various state courts, probably will result in a decline in overall judicial prestige.

"Already there are sizable segments of the population, generally the blacks and the poor, who don't think they can get justice in the courts of this country," he said. "The Supreme Court exposures only will serve to increase the number of people who believe - and I think wrongfully so - that the judiciary is subject to the same kinds of pressures which the legislative branch undergoes," Mr. Gerard added, noting that the net result could be harmful to both government and society.

As for the criticism leveled at President Richard M. Nixon's two Supreme Court appointments, Mr. Gerard said that the only real basis for questioning a presidential appointment is incompetence, including lack of integrity. "Every President has his own ideas on what constitutes an ideal court," Gerard said.

But, he observed, that doesn't prevent the Senate from considering a wide variety of factors when there is a nomination for the Supreme Court.

At any rate, the speculation about how the court will change under new Chief Justice Earl Warren is just that - speculation,

according to Mr. Gerard. He said that even if the nomination of Clement Haynesworth would be cleared by the Senate, the question of the direction of the court still will be a vague one.

"A particular nominee's background historically has not been a predictable factor about how he will vote in future decisions," Mr. Gerard said, adding that it may be an indication but it is of little significance.

In terms of legal craftsmanship, Chief Justice Berger certainly is qualified for his new post, Mr. Gerard said.

Finally, even if there are some changes within the Supreme Court the difference will not show up so greatly in the course the court will follow whatever some forecasters have suggested.

"Some philosophical differences are bound to appear but due to the Court's momentum now, I don't see any drastic changes in direction in the near future," Mr. Gerard said.

The reasons for this are that new justices historically are reluctant to change past decisions and the Court generally is restricted in its decisions to answering and deciding very narrow issues.

Prosecutor Candidate to Speak

Courtney Goodman, Jr., a candidate for the office of St. Louis County Prosecutor, will speak at the law school next Wednesday in the first of a series of programs that January Inn is arranging for the year.

Second-year students Mimi Webster and Barrett Braun, and students William Struyk and Jon Lindberg make up the January Inn speakers committee. According to Braun, the chairman, the series this year will not include as many speakers as last year, but instead it will try to obtain more famous or controversial figures.

Last year the program consisted of weekly talks, mainly by people working in various areas of the law in the St. Louis area. Braun said that the committee hopes to line up both of Missouri's United States Senators for sometime during the year.

Goodman, a graduate of Washington University School of Law now in private practice, has served as Assistant Attorney

Mandelker Sees Great Growth In Field of Urban Law

Daniel R. Mandelker, the Washington University law professor who has been an important pioneer in the emerging field of urban law, sees a continued growth in that discipline for a long time to come.

Mr. Mandelker returned here this fall after a 15-month leave of absence that took him to four different universities in two and one-half trips across country.

The author of "Our Urban Legal Environment," a casebook and supplement in use at 45 law schools and 10 planning schools nationwide, Mr. Mandelker was the inspiration for, and helped found, the Washington University Urban Law Annual that is now in its third year.

According to Mr. Mandelker, the annual is becoming a standard reference in the field of urban law with a circulation in various departments of both state and federal government. "The annual will be listed in the index to Legal Periodicals for the first time this year," Mr. Mandelker said and added that the Annual has been widely quoted and excerpted.

Mr. Mandelker said that the annual initially was begun to expand writing opportunities for law students here. "But I also thought that the St. Louis urban area made for an ideal location in which to bring out a publication like the annual," he said.

Writing, Research Opportunities Listed

January Inn has devised a plan to allow Washington University students who are not members of Law Quarterly or Urban Law Annual to publish articles in those publications as well as certain other legal periodicals.

Articles submitted by non-staff personnel to the Quarterly or Annual will have to meet the usual publication standards and will be screened by a source outside either of the local journals. Submitted material will have to be in the form of either a note or comment with a thorough check of sources through the Standard Guide to Legal Citations (Whitebook). Naturally, topics should be cleared with the appropriate editors before articles are submitted.

Other publications that have agreed to consider contributions from WU students include Student Lawyer Journal and the Missouri Bar Journal. The articles for these publications will not be of the scholarly nature that are normally prepared for law school purposes.

There is a good chance that the annual will expand its coverage far beyond the present concentration on highway, housing, and zoning problems. Mr. Mandelker said that urban services like health and education, welfare administration, and air and water pollution are likely fields in which the annual might delve in the 1971 issue.

"We are getting involved with the issue of citizen power in the 1970 issue, which will come out next Spring," Mr. Mandelker said, referring to an article dealing with citizen participation aspects of public housing and highway development in St. Louis.

For students interested in the urban law field, Mr. Mandelker

According to Robert G. Palmer, president of January Inn, the program has been established to enable more students to publish and thereby give themselves an extra advantage when seeking a position after law school. "The legal profession seems to be giving more and more weight to the fact that students have published," Palmer said, adding that he would like to talk to all students interested in this opportunity.

Law students interested in working on current civil liberties cases can now do so through a January Inn program worked out in coordination with St. Louis lawyers active in civil liberties litigation.

Professor Jules B. Gerard will coordinate the program and serve as the local contact with the Law Student Civil Rights Research Council, which also runs a national summer intern program in the civil rights field.

Interested students should contact Mr. Gerard.



Daniel R. Mandelker

said that there are phenomenal growth opportunities and cite an example lawyer-architect consulting agencies that recently have been formed in Chicago and St. Louis.

A member of the DePaul Commission that reported to President in 1968 on urban problems, Mr. Mandelker said the field of poverty law and services is a growing field that needs many people trained in urban legal problems. "I think that a changed political atmosphere or change of emphasis in Washington will affect that citizens groups will play the area of legal services for the poor," Mr. Mandelker said.

For most of his leave of absence, Mr. Mandelker was in Seattle at the University of Washington where he served in the graduate school of planning as visiting professor of urban renewal and policy science.

(Cont. on p. 3 col. 1)

Election

(Cont. from p. 1)

Generally there are 12 candidates scheduled for a new election on Wednesday, and those include most of the faculty members of the law school as well as sections of the freshman class. A large number of the two classes.

Besides Sanchez, the students elected to Honor Council are: Ken Ingram and Bellamy, third-year delegate; Gary Fleming, other second-year delegate; and Al Jackson, freshman delegate. The Council's function is to serve the school's honor system and pass on the cases of individual violators.

The election for freshman representative generated more interest than usual this year because of the run-off campaign and campaigning on a national program. Watson said that for student representation, voice in such areas as curriculum planning and admissions. He said he favored a comprehensive clinical law program, re-establishment of a school moot court program, recruitment of and financial assistance for students from minority groups.

Ford said he was for legal student rights and student participation in determining educational thrust of the law school program. "We pay \$1,900 a year to go to school and should have something to receive," he stated.

Watson, 24, received a bachelor's degree in English from Memphis State University. He has a master's degree in education from Memphis State in education research and statistics. He graduated from Idaho State University in Pocatello with a bachelor's degree in business administration.



Courtney Goodman, Jr.

Moot Court Team Preps for Competition

Preparations for competition are underway by three Washington University students who will represent the law school in the annual National Moot Court Competition, which begins at the regional level next month.

Michael H. King, David P. Lindecamp, and Stephen T. Rudman, all third year students, make up the local team, which will travel to Washburn University, Topeka, Kansas, on November 13 for the two day regional competition. Neil N. Bernstein, associate professor of law, is the faculty advisor to the team.

The 1969 problem deals with the right of a university to expel students for participating in campus demonstrations. In all there will be competition in 16 regions with winners proceeding to a national final. The overall competition is sponsored by the Young Lawyers Committee of the New York City Bar Association.

Two important changes have been made in the rules governing moot court competition. First, as in previous years, each school can be represented by only one student instead of two. Second, instead of printed briefs, the teams will be limited to typewritten briefs.

Both changes were made apparently to equalize competition between affluent and financially-limited law schools. The more prosperous schools were better able to support two teams and prepare printed briefs.

Each team member will be under the usual, thorough workload in preparing for competition. Each team member must prepare a brief for either side of the issue and must be ready to argue either way. No man knows which side of the question he will be to argue until a short time before the competition between individual teams begins.

In the past the WU teams have given a dress rehearsal in the Quincy Hall courtroom before a bench comprised of practicing lawyers from St. Louis.

The role of the faculty advisor is essentially a consultative one, though the advisor is the man who fields problems that must be solved at a higher level. An example of the latter function is handling of accusations pertaining to rules infractions. Advisors are forbidden from

giving help to any team member in the preparation of briefs or during competition. Also, advisors, or team members for that matter, are forbidden from scouting the opposition.

Until a few years ago, moot court was required of all second-year students not on Law Quarterly. However, the requirement was replaced by the course in legal writing during a revision of the curriculum by the faculty. A movement has been under way recently to establish a voluntary moot court competition on an intramural basis under the auspices of January Inn, but there are no firm plans at present.

D.C. Groups Urge Student Leverage

Last month two Washington, D.C., organizations - Citizens Advocate Center and the Urban Law Institute - sent out to the nation's law school student body presidents a brochure designed to encourage law students to bring pressure on law firms to do more public service work.

In a cover letter for the brochure, Edgar S. Cahn, executive director of the CAC, and Jean Camper Cahn, director of the ULI, said they believe "law students can significantly accelerate the process of formal involvement by law firms in public service work."

Noting the rising demand by students for more opportunities in public legal service after law school as well as attempts by law firms to "deal with their own collective consciences," the letter said that the critical leverage point lies with third-year students.

Apparently the CAC and ULI would like to have various law student organizations send out copies of an extensive questionnaire enclosed in the brochure to law firms and then file the replies so that students could find out before a job interview exactly what a given firm is doing in the field of public service law.

Some of the inquiries included in the questionnaire are: What kind of public service work is

presently being done by the firm or individuals therein? What is the firm's present attitude toward public service work by its members? How does the firm presently handle current public service work of its members? Are time records kept as if such hours were treated as billable? What would be the reaction of the firm if an associate turned in only 10 or 20 billable hours for several weeks at a time because of involvement in public service work? What is your assessment of the most appropriate forms of public service work for individuals and for firms at present?

In all the questionnaire contains 14 detailed inquiries that try to determine exactly what a firm's current attitude on public service work is.

The CAC and ULI see the present shortage of young lawyers as an opportunity and source of leverage by which third-year students with an interest in public service can land a position with a private firm and still do work in their field of interest.

Two points that the brochure makes are:

1) "Graduating law students can dramatically increase the availability of legal representation to the poor and other forms of public service work, if, as a condition of employment with private law firms, they will seek both information and meaningful guarantees that the firm will commit substantial time and resources to public service work."

2) "The segregated composition of the legal profession can be altered dramatically if, as one of the terms of employment, law firms will pledge modest sums of money to a national scholarship fund to provide aid for minority groups seeking to obtain a legal education."

On the latter point, the brochure observes that enrollment of minority groups in the nation's law schools still amounts to only about three percent of total enrollment, according to the most recent statistics of the American Association of Law Schools.

As the brochure points out, law schools have sought to provide tuition scholarships or waivers of tuition requirements to get law students from minority groups, but that has caused financial hardships for even the richest law schools, because "a law school is typically one of the few self-supporting components of a university."

What this amounts to is that

money is the major barrier to meaningful integration of the legal profession, and the only other readily available source is from private law firms. Thus, the brochure cites the need for using leverage to get firms to contribute to a national scholarship fund for minority groups.

One of the interesting points the brochure makes is that public service work does not have to be confined to the conventional fields of individual representation in civil and criminal cases.

There is a whole range of activities in which a young lawyer can do public service work. Examples in the brochure are: representing community groups seeking to bar renewal of a TV license to a station failing to serve the public interest on the grounds that it is unresponsive to community needs; challenging a hospital's tax exempt status as a charitable institution based on its admission policies; preparing testimony for citizens groups on the need for new public hearing procedures to increase the citizen's role in determining the path of highways through city neighborhoods; instituting consumer class actions in areas of water and air pollution.

As the brochure observes, there already have been some encouraging developments indicating that the legal profession is gradually awakening to the need for more public service work by lawyers.

Examples of this development include a plan by a Baltimore law firm to open a branch office in a ghetto area staffed by three or four attorneys; plans by several firms to establish public service divisions within the firm; a lawyers-on-loan program in which New York firms staff a legal aid office one night a week for a year; and a "retainer" program whereby firms take on certain grassroots, community-based groups just as corporations or large-charity clients would be undertaken.

The brochure analyzes each of these approaches and points out their strength and weakness in terms of usefulness as a public service vehicle.

Public service may not be for every law student, but for those who are interested and yet at the same time would like to work for a private firm instead of dealing with special problems faced by a governmental agency, this brochure ought to be read thoroughly and studied carefully. It can be obtained through Bob Palmer, president of January Inn.

House Clears Bill To Raise Vet Benefits

There may be good news for veterans enrolled in the law school before this year is out.

The House of Representatives has passed and sent to the Senate a bill which would increase by 27 per cent the educational benefits now available under the so-called "Vietnam-era Veterans Bill."

The benefit hike is not assured of passage, however, because the Nixon Administration has not yet thrown its support behind the measure. A thorough study of veteran's benefits is underway and the director of the Veterans' Administration has indicated a desire to postpone the increase until the study is completed.

Here is the breakdown of present monthly payments under the G.I. bill and payments to be made under the House-passed measure:

Dependents Present	Proposed
None	\$130
One	\$155
Two	\$175

The bill also increases from \$10 to \$13 the amount added to the monthly payment for each dependent in excess of two.

These benefits are payable to persons who served in the armed forces with credit accruing at the rate of one-and-one-half months educational credit for each one month of active duty. A minimum of six months active duty is required to qualify and a maximum of 36 monthly benefit payments is allowed under the measure.

One factor behind the House action was the soaring cost of tuition at both public and private colleges and universities.

There was strong sentiment in the House for an even higher boost. One bill, rejected in committee, would have tacked an additional \$45 per month onto the payments which would be authorized under the measure which actually passed; thus a single veteran enrolled in a full time program would get \$200 instead of the present \$130.

The Wall Street Journal reported recently that the Senate may react favorably to the higher proposal and enact a greater increase than that passed by the House.

Whatever measure is finally enacted by the Congress still requires Presidential signature. The act specifies that any increase in benefits would take effect on the first day of the second calendar month after the bill's enactment into law. Thus the earliest increased benefits could be expected is January.

119 Started In 1969-70 Frosh Class

The final registration figure for this year's freshman law class fell just short of the maximum desired by the admissions committee with 119 actually signing up for classes. The committee usually tries to keep the first-year class at about 120, but there was speculation that the number this year would go above that mark.

Attrition already has eroded slightly the 119 figure. Thanks to a variety of reasons ranging from the draft to family illness, the class now stands at 115.

Figures for the other classes in the law school were as follows, based on information available after the first week of this month: second-year, 49 students; third-year, 62 students; graduates, 22.

Male students currently attending classes with I-A draft status received some welcome news when the Selective Service announced a policy of permitting graduate and professional students to complete their first year of school.



Michael King and Steve Rudman go over Moot Court strategy with Prof. Bernstein. David Lindecamp was absent when the picture was taken.

3 From WU Pass Bar

Thirty-three members of the 1969 graduating class of the Washington University School of Law passed the Missouri Bar Exam and were admitted to the state bar in August.

In all 36 WU law graduates took the exam, so that the percentage of those from here who passed amounted to 92 percent, compared with an 88 percent figure among all those taking the exam in June.

The 33 successful lawyers were born in at Jefferson City in early September.

Growth in Urban Law

(Cont. from p. 2)

"I found teaching non-law students a refreshing change," he said, adding that the experience raised many questions in his mind about law school teaching methods.

While in Seattle, Mr. Mandelker did field research in zoning laws.

During the summer of 1968 Mr. Mandelker taught at the law school of the University of Puerto Rico.

The law school faculty accepted last Friday a student body proposal to strengthen the academic year by one week in order to allow for a vacation after the first semester examinations.

LSD - ABA Members Drive Is On

The drive to get more Washington University law students in the Law School Division of the American Bar Association still is underway, according to January Inn president Bob Palmer. Palmer also serves as the local representative to the LSD-ABA.

According to Palmer, more than 18,000 law students across the country participated in the LSD-ABA program last year. The LSD was formed to help educate and involve students in seeking solutions to problems confronting society and to promote legal responsibility among the organized bar.

For a \$3.00 membership fee a student may obtain the Student Lawyer Journal and has an opportunity to get the ABA Journal at reduced rates. Membership also provides access to the Lawyer Placement Information Service, which has a national listing of summer and permanent employment. Finally a student is eligible to participate in group plans for life and health insurance.

Another part of the LSD program enables members to join sections of the ABA devoted to specific topics of law. Sections send to their members current information on a specialized area of law like criminal procedures, anti-trust regulation, urban problems, and many others.

At the national level the major functions of LSD are to serve as a clearing house of information for student bar associations, to fund and coordinate local projects, and to develop a strong student voice within each state bar association as well as the ABA.

The LSD nationally is divided into 13 circuits. The Eighth circuit includes Washington University as well as several other schools in Kansas, Nebraska, Iowa, and Minnesota. Each circuit manages one of the national committees for the LSD board of directors. This year the Eighth has the Legal Education Committee.

There are also special circuit committees to deal with problems peculiar to schools within the circuit. Students from Washington University are eligible to fill positions on these various committees as well as the national committee.

Local Legal Aid Programs Planned

(Cont. from p. 1.)

aid questionnaire so that they can be channeled into areas in which they can serve a useful purpose and, at the same time, derive some benefit.

Most of the volunteers indicated a desire to work as interviewers among clients who use the services of the Legal Aid Office, which is funded by the federal government's Office of Economic Opportunity. Others probably will do legal research to assist the practicing lawyers working out of the office.

Mrs. Glassberg is in charge of placing volunteers in a classroom program in which two law students will meet with teenage children in the inner city schools in order to discuss the problems of law and society as it relates to life in the urban core. The object is to give ghetto youths a better understanding of the role of law in society as well as to learn about any legal problems they may face.

Harold Sarner, a 1969 Washington University law graduate now an attorney with Legal Aid, said that the voluntary program is a way for law students to fill gaps in their legal education. "In this program you can obtain a practical approach that is never available in law school," Sarner said.

"The importance of conducting a good interview, learning to investigate a case in depth, and

Freshman Works On Grid Staff

By Gene Goetz
Advocate News Staff

Bill Gagen, a freshman from East St. Louis, Illinois, is using his experience as a three-year starting guard on the Washington University football team to earn his way through the first year of law school.

Gagen is serving this fall as an assistant on the WU grid coaching staff as part of a graduate assistantship granted by the Athletic Department.

During the week he coaches at the daily practice session and spends Saturdays scouting future Washington U. foes.

During the winter Gagen will recruit at area high schools and will serve as an



Bill Gagen

announcer at the WU basketball games at Francis Gym. He also will help with ticket sales.

The Greek Column

Frats Review Recent Activities

Nineteen freshmen and seven upperclassmen have accepted bids to become members of Delta Theta Phi legal fraternity, according to Dennis Mertz, dean of the fraternity's Benton Senate, the Washington University chapter.

The twenty-six pledges were inducted into the fraternity during ceremonies in the Federal Court Building September 26. Formal initiation will be in the Spring.

Here is a list of the pledges: Third year: David Wahl and Bill Struyk.

Second year: John Birath, Rick Cass, Joe Sanchez, Marlin Smith and Barry Tatel.

First year: Glenn Altman, Bob Bidstrup, Andy Brown, Nick Burge, Clyde Farris, Stan Goodkin, Wayne Harvey, Alan Hux, Alphonso Jackson, Chris Kockau, Fred Kolom, Jim Mendillo, Bob Narmont, Max Ruttger, Paul Schroeder, Steven Stone, Tom Watson, Doug White and Bob Whitlock.

Mertz indicated that one or two more applications were expected in before the pledge class was closed.

A full program of activities is planned for the fraternity. Mertz said the group's next activities will be a dinner and speaker program on October 22 and an ice hockey game featuring the St. Louis Blues on November 13. Speaker for the October event has not been announced yet.

This year's pledge class brings to 38 the total members in the legal fraternity. Actives include Mertz, Carl LoPresti, Barrett Braun, Joe Ellis, Charlie Himeles, Ed Ku, Pete Kuetzing, Ed Lieberman, Mike Maram, Gregg Narber, Art Smith and Bud Tindall.

Maram, the group's Chancellor of the Exchequer (treasurer), reports that collection of dues from actives is lagging behind schedule. The \$13 first semester payment was due October 1.

Phi Delta Phi

Forrest Hemker, a former lecturer at the Washington University Law School and now a St. Louis attorney, was the guest speaker at Phi Delta Phi's first dinner meeting this fall.

A four-year letterman at Assumption High School in East St. Louis, Gagen started at left guard on offense for the Bears during his sophomore, junior, and senior years. He received his bachelor's degree last June in political science.

Gagen said he may practice in Illinois when he finishes law school, but he also would like to stay in the sports picture, possibly through officiating. There is a precedent for this in St. Louis. Eddie Davidson, a referee in several sports, is a lawyer by profession.

Athletic prowess runs in the Gagen family. Bill has a twin brother in graduate school at Kent State University in Ohio. This "other" Gagen also is a graduate assistant in the KSU athletic department.

Mr. Hemker, a member of Phi Delta, spoke about his experiences in the legal profession and about the elements of professional pride and legal ethics in a lawyer's career. Mr. Hemker is a past president of the Missouri Bar Association.

According to Dennis Wedemeyer, president of Phi Delta, the fraternity has planned a series of monthly dinner meetings, each of which will be highlighted by a guest speaker working in some capacity in the field of law. The next program has been scheduled for November 5.

In addition to the monthly dinners, the fraternity has planned an evening for wives and dates of the members to be held at one of the night spots in St. Louis. Also a number of spontaneous Friday afternoon meetings are likely to be called, probably outside the law school.

Wedemeyer said that the purpose of the Cooley Inn (Washington U.) chapter of Phi Delta Phi is to provide social diversions as well as provide contact with practicing attorneys.

In the administrative sector, Legal Aid works to change institutions to meet the needs of people in the urban core area who heretofore have been outside the sector of public assistance in most forms.

Often Legal Aid staff attorneys must meet with the city administration to seek changes without a legal battle. As one staff member said, "A good part of Legal Aid work is 'budging' institutions that have become lax into positive and meaningful action."

Law school dean, Hiram H. Lesar is a member of the Legal Aid Board of Directors, an advisory group composed in part by representatives of the client population.

Most attorneys working for Legal Aid agree that it is a quick way for a young lawyer to gain valuable experience in the legal

profession while at the same time making a valuable contribution toward solving urban problems.

As one lawyer said, "Within two months of joining Legal Aid I had filed cases, taken them to court, argued them myself, and had appeared before justices of the Missouri Supreme Court to argue a case." He also pointed out that young lawyers in Legal Aid have been assisted greatly by other, more experienced lawyers when difficult problems have arisen.

Monthly Review

Article View Washington Lawyer's Li

By Jeff Vaughan

Mr. Vaughan is a second law student from St. Louis who received his undergraduate at Vanderbilt University in Nashville, Tennessee.

A large orange color figure placed off-center on page opposite Sheldon Zalaznick's "The Small World of Big Washington Lawyers," *Fortune*, September, 1969 (120) is in actuality part of an article.

Looking like the chart often skims over in his undergraduate textbooks, the figure serves to point out locations to all major Washington law firms, along with their eating places and other sources of government power. concentration of the capital Washington's crop is thus apparent, for as Zalaznick writes: "A large bomb dropped in the middle of Farragut Square would wreck a good many of the most prestigious firms in Washington and rattle windows of some of the federal agencies dealing with it."

Of course, the opposite is true of the sphere of influence exerted by many top government personnel who make up the lawyer's clients. Congressional committee members evidently that because of the consequences of the issues they handle, law in Washington should be more than they are. No lawyers interviewed as to their views on committee members.

With federal and administrative law being made everyday emphasis of the practice is known "who" rather than known "how". Given the chain of command, the man might often be the tabloid snap-tie desk jockey who over horn-rimmed spectacles some overcrowded office. For reason, the most successful lawyers seem to be those like Clifford, with prior government experience, usually under previous chief executive.

Of course, there is always exception to the above rule. In case, it is exemplified by Mr. Nader, shown in a photograph accompanying the story, squinting student-like, on the white steps of some stone building. As Zalaznick writes Nader has no government experience, "except for a stint in the U.S. Army." His posture is significant; for he is pictured in the series of twelve lawyers who are smiling, Perry Mason style, against a backdrop of law books, presumably containing "know-how" law to go with "know-who" backgrounds.

Zalaznick succeeds admirably in portraying this dual expertise necessary for the successful practice of travelling through corridors and office mazes, to make up the Capital administrative pyramid of bureaucracy. Evidently it can be done; for the city has nearly 100 per cent of the country's attorneys, a number of which has increased by twenty-five per cent in the last ten years.

The top men command high fees, though evidently they still prefer formica desk tops to traditional oak. Their ability to clients a hearing before the people is not to be construed contrary to the code of ethics; the proper channels can lead to the same results - if you can wait long.

Specialization seems to be the word for the day with many doing little else, for example, "C. work." There, the once-rotational process of renewing a television station's license can become a "nerve-frazzling workout" presumably full of fat fees. short, Washington law is sounds like fun; and if *Fortune* is right, all you have to do is become some American president to be for, and having gone to the top to know the clerk at the bottom.

The Advocate

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Gerald Dehner, Gene Goetz, Dennis Wedemeyer

Features

Patti Byrne, Paul Schroeder, Mark Goodman

Special Contributors

Dennis L. Wittman
Arthur Smith, Robert Palmer

Open Door Unhinged

Law students here often have been told by the dean and various faculty members that "the doors are always open" anytime that students wish to talk about any matter pertaining to their legal education.

This is a laudable policy and one that can be most fruitfully pursued at a small school like ours.

However, the "Open Door" is no substitute for the students' having a strong collective voice in the decision-making process that affects their education. The "Open Door" works best when an individual student wishes to talk to one faculty member or to the dean.

What the student spokesmen in the current series of discussions are asking for is not immediate representation on faculty committees. The attitude of the students should not be construed as anything but one of moderation. No one is asking for a confrontation.

What is asked is that better communications be established between faculty and students and that these communications be part of an ongoing re-evaluation of faculty-student relations, curriculum revision and other topics.

Such a re-evaluation cannot be carried out by individual students talking to individual faculty members on a random basis. Perhaps the "ad hoc" committee of faculty members and the January Inn Board of Governors will be an effective vehicle of communications.

If not, something else should be tried. The Open Door Policy did not work in China and it isn't working here.

Dogmas: For & Against

(Reprinted from 20 J.L. Ed. 318)

Edward H. Rabin

(Professor of Law - Acting - University of California, Davis)

1. A teacher is teaching "only to the law review," or "at a high level," when he is incoherent in the classroom.
2. Legal examinations test legal ability.
3. We stress method, not subject-matter. However, the legal method course is a frill, and the curriculum committee is the most important in law school because it determines the subject-matter offered.
4. Subjecting students to ridicule or sarcasm serves sound educational purposes, and is not merely an outlet for professorial spleen.

(Continued on page 6)

Environmental Problems Discussed at Conference

(Gene Goetz, a first-year student, recently attended a "conference on the environment" sponsored by the Institute for the Study of Health and Society. The event was funded by the Consumer Protection and Environmental Health Service, a division of the United States Department of Health, Education, and Welfare. The following story relates his impressions of the conference.)

There were about 100 of us, representing many universities and various academic backgrounds. We were provided with an equally broad range of "resource persons" including: Charles C. Johnson, administrator of CEPHS, and several of his staff; faculty members from numerous universities, among them Dr. Max Lerner of Brandeis University, Joseph Jeans of the University of Missouri-Kansas City School of Law, and Dr. C. C. Gordon, botany professor at the University of Montana; two labor union officials from New York; Senator Gaylord Nelson (Dem. Wisconsin); and television personality and dedicated conservationist, Eddie Albert.

Arlie House, set in the beautiful, rolling countryside of Virginia, about 45 minutes drive from Washington, D. C., was the site of the

conference. Here, surrounded by woods, ponds, clean air, and quiet, we sat down to discuss air and water pollution, excess noise, dangerous insecticides, growing accumulations of garbage and other problems of modern society.

An immediate difficulty was in communication. Although all were dedicated and had a sincere desire to enter into meaningful discussions, the representatives of the various professions spent the first day or two just learning how to talk to one another.

Peter Gammelgard, vice president of environmental affairs of the American Petroleum Institute (a deceptive title), was the first speaker to address us. He delivered what was later called a "typical luncheon club address."

In the speech, Mr. Gammelgard attempted to show how Standard Oil and other petroleum companies are trying to improve the environment and fight pollution. Mistakenly, he opened the floor for questions.

The questions, zeroing in on the percentage of profit spent on pollution control, the preventive measures that have been taken to avert future offshore drilling "accidents," and the length of time in which technology has been available to clean up or replace the internal combustion engine, were skillfully avoided by the petroleum industry spokesman. When Mr. Gammelgard was asked to be specific, he grew angry and left the podium.

Subsequent speakers (1) pointed out the damage being done to our environment through pollutants released into

the air by major concerns and (2) explained pollutants cut down supply of good air and cause defoliation of trees. Other speakers revealed pollutants dumped in streams and lakes, as a result of inadequate treatment facilities, are turning bodies of water into ecumeneteries.

One example of what was discussed throughout the conference was the use of DDT. This widely used insecticide not disintegrate or change but remains a lethal agent by rain and wind, is carried by rivers, lakes, and eventually to the ocean. There its immediate effect is to slow the process of photosynthesis in marine life, decreasing the production of oxygen. Next, it is picked up by fish, in turn eaten by birds or by birds. The taking of DDT into their systems are unable to produce eggs with solid shells. The result is a growing threat to many species of birds, among them the peregrine falcon and the American eagle.

Scientists also discovered (1) that mothers' breasts contain levels of DDT concentration (2) a significantly higher level of DDT was found to be present in the body tissue of those who have died from cancer than in those who have died from other causes.

Most states have restrictions of DDT, and some have only light restrictions. California has a plan to phase out the use of DDT, which one conference member makes as much sense as "phasing out" thalidomide. The implication was that DDT should be immediately abolished.

(Continued on page 6)

Criminal Pollution Measure Urged

A proposal to combat air pollution by making it a misdemeanor punishable by a fine up to \$1,000 was the

highlight of a January Inn-sponsored talk last month by Courtney Goodman, Jr., Democratic

candidate for St. Louis County Prosecutor.

Mr. Goodman, presently in private law practice after leaving governmental positions since 1965 graduation from Washington University School, said that under his proposal, executive industries polluting the environment would be liable for misdemeanors and would have to pay fines.

In connection with his proposal, Mr. Goodman proposed a corollary provision which would provide for a civil forfeiture of \$1,000 per day for individuals involved in air pollution violations. Forfeitures would continue until the pollution abated.

The suggested attack on pollution is the most radical aspect of Mr. Goodman's campaign platform to elect him incumbent prosecutor, McNary.

Another issue that Goodman raised in his talk was the rehabilitation of prisoners. St. Louis County Jail. Mr. Goodman suggested that the county should concentrate on teaching interested inmates manual trades.

He said that based on talks with local labor leaders, he believes he can get support for an on-the-job rehabilitation program. Goodman also discussed reform and drug usage problems in the county.

Law Schools Should Stick to 'Theoretical'

By Paul Schroeder
(Advocate Staff Writer)

In a paper presented last year at the 150th anniversary of the founding of the Harvard Law School, Professor Geoffrey C. Hazard, Jr., of the University of Chicago Law School, revealed what he considered were three of the greatest challenges facing legal education.

Professor Hazard said that the first and most obvious problem facing law schools today is their inability to provide the student with the requisite technical skills which enable him to bypass the inevitable apprenticeship facing him immediately after graduation.

"The law graduate usually faces substantial apprenticeship work before being admitted to the councils that dispose of the questions to which his attention is chiefly directed in law school. Under present conditions this apprenticeship is often frustrating and demoralizing."

In response to this, Hazard suggested a complete curriculum revision by which law schools would concentrate only on theoretical analysis of legal processes and institutions.

"It would then," Hazard said, "be the function of technical training institutes to impart relevant practical skills... as some post graduate and continuing legal education programs are now doing. And it would be the function of established professionals to provide training in those practical and idiosyncratic arts that can best be learned on the job."

With reference to the second major challenge facing legal education today, Hazard said that law schools must begin expanding their curricula to include more social science-orientated course materials.

"If, as someone has said, lawyers are social scientists of necessity, it is time they become better ones than they have been," Hazard elaborated on this theme by saying that the legal profession today appears to be suffering from "positional myopia" which prevents it from

working usefully within the expanding horizons of the social sciences.

"Legal theory, legal questions and legal method," he said, "have illuminating relevance to many problems in social science, no less so than the reverse. Consider only the problems of conformity in sociology, development of the normative sense of psychology, and social cost in economics. Bridging disciplines in this way has become not a matter of academic accommodation but of intellectual necessity, and the law and legal education must accept the challenge."

Hazard said that he hoped to see legal education adopt a broader definition of what "law is all about." By doing this, he said, "the legal profession will have richer resources for adapting itself to challenging condition and demand."

Hazard, who is also Executive Director of the American Bar Foundation, in his final point urged that legal education give increased consideration to the problems raised by the shifting of American political and moral values. "Morality," he said, "is

not the same thing as law, but it is an indispensable resource in evaluating legal norms and adapting them to changed conditions. Without moral framework, it is possible neither to comprehend nor to surmount the technical structure of the law, or any part of it."

He urged legal professors to acknowledge the relevance of current moral questions and to concede "frankly our own confusions about them." Hazard said that if professors would concern themselves more openly with the political and moral problems of our age, they would be able to deal more effectively with the "questions that really interest students, and ought to interest them."

"Why is it a crime to smoke marijuana? Why should the literal words of a document count so much in enforcing a contract? Why is it good, or bad, that the Supreme Court is 'activist'? Possibly the greatest challenge for legal education, therefore, is that it undertake to be rather more intensely concerned with political and social morality than it has been in times more assured, and perhaps more innocent."

blepharoph Nader on Law Firms and Law Schools

Reprinted by permission of THE NEW REPUBLIC, 1969, Harrison-Blaine of New Jersey, Inc. The wing article appeared in the Oct. 11, 1969 edition of the New Republic.)

by Ralph Nader

was a similar ritual every year. About 550 new law students would file into venerable Austin Hall at Harvard Law School on a September day and hear the senseless dean, Erwin N. Griswold, orient them. The dean had the speech down to a practiced monotony. He advised them that at that instant they became members of the legal profession, that law was the backbone of the profession, that there were no glee clubs at the Harvard Law School and that law was a jealous mistress. Thus was launched a process of engineering the law student into a corridor of largely non-normative evaluation. It was a year-long excursion through legal minutiae, embraced by a logic and impervious to what Oliver Wendell Holmes once called the "felt necessities of our times." It was easy to take the very bright young minds of a generation, envelop them in conceptual cocoons and limit their expectations of practice to the demands of the corporate law firm. But this is what Harvard Law School did for over a half century to all but a resistant minority of the 40,000 graduates.

The Harvard Law pattern — honed to a perfection of legal myopia and superfluous rigor — became early in the century the Olympian object of mimicry for law schools throughout the country. Harvard also did everything it could to replicate its educational system through its production of law school teachers, books, and an almost proselytizing zeal. This system fully nourished and fundamentally upheld a sloping legal order which has become more bureaucratic and less responsive to the needs and strains of a complex society. In turn, the established legal order controlled the terms of entry into the profession in ways that fettered imagination, inhibited reform and made the price of questioning its assumptions and posing radical surgery.

Unreal as it may appear, the connection between the legal establishment and the spectacular increase in the breakdown of the legal system has rarely been made outside the legal fraternity. . .

Unreal as it may appear, the connection between the legal establishment and the spectacular increase in the breakdown of the legal system has rarely been made outside the legal fraternity. This is due to the functional modesty of the profession, its reluctance to parade itself as the shaper, staffer and broker for the operating legal network in this country. What is not claimed is not ributed. This escape from responsibility for the quality and quantity of justice in the relationships of men and institutions has been a touchstone of the legal profession.

Anyone who wishes to understand the legal crises that envelop the contemporary scene — in the cities, in the environment, in the courts, in the marketplace, in public services, in the corporate-government arenas and in Washington — should come to grips with this legal world chart that begins with the law schools and ends with the law firms, particularly the large corporate law firms of New York and Washington.

Harvard Law's most enduring contribution to legal education was the mixing of the case method of study with the Socratic method of teaching. Developed late in the nineteenth century under Dean Christopher Columbus Langdell, these techniques were tailor-made to transform intellectual arrogance into pedagogical systems that humbled the student into accepting its premises, levels of abstractions and choice of subjects. Law professors take delight in crushing egos in order to acculturate the students to what they called "legal reasoning" or "thinking like a lawyer." The process is a highly sophisticated form of mind control that trades off breadth of vision and factual inquiry for freedom to am in an intellectual cage.

The study of actual law cases — almost always at the appellate court level — combines with the Socratic questioning sequence in class to keep students continually on the defensive, while giving them the feeling that they are learning hard law. Inasmuch as the Socratic method is a game at which only one (the professor) can play, the students are conditioned to react to questions and issues which they have no role in forming or stimulating. Such teaching forms have been crucial in perpetuating the status quo in teaching law. For decades, the law school curriculum reflected with remarkable fidelity the commercial demands of law firm practice. Law firm determinants of the content of courses nurtured a colossal distortion in priorities both as to the type of subject matter and the mention of its treatment. What determined the curriculum was the legal interest that came with retainers. Thus, the curriculum pecking order was predictable — tax, corporate, securities and property law at the top and torts (personal injury) and criminal law, among others, at the bottom. Although in terms of the seriousness of the legal interest and the numbers of people affected, torts and criminal law would command the heights, the reverse was true, for the retainers were not as certain nor as handsome. Courses on estate planning proliferated, there were none for environmental planning until a few years ago. Other courses dealt with collapsible corporations, but the cupboard was bare for any student interested in collapsing tenements.

. . . As the one institution most suited for a critical evaluation of the profession, the law school never assumed this unique role. Rather, it serviced and supplied the firms with fresh manpower selected through an archaic hierarchy of narrow worthiness topped by the editors of the school's law review. In essence it was a trade school.

Creditors' rights were studied deeply; debtors' remedies were passed by shallowly. Courses tracking the lucre and the prevailing ethos did not embrace any concept of professional sacrifice and service to the unrepresented poor or to public interests being crushed by private power. Such service was considered a proper concern of legal charity, to be dispensed by starved legal aid societies.

The generations of lawyers shaped by these law schools in turn shaped the direction and quality of the legal system. They came to this task severely unequipped except for the furtherance of their acquisitive drives. Rare was the law graduate who had the faintest knowledge of the institutionalized illegality of the cities in such areas as building and health code violations, the endemic bribing of officialdom, the illegalities in the marketplace, from moneylending to food. Fewer still were the graduates who knew anything of the institutions that should have been bathed in legal insight and compassion — hospitals, schools, probate and other courts, juvenile and mental institutions and prisons. Racialism, the gap between rich and poor, the seething slums — these conditions were brought to the attention of law firms by the illumination of city riots rather than the illumination of concerned intellectuals.

Even the techniques of analysis — the ultimate pride of the law schools — were seriously deficient. Techniques which concede to vested interests a parochial role for the law and which permit empirical starvation of portions of their subject matter become techniques of paralysis. This was the case in the relation of tort courses and motor vehicle injuries. Law as prevention, law as incorporator of highway and vehicle engineering facts and feasibilities was almost totally ignored. The emphasis was on legal impact after crashes occurred, so as to assign liabilities and determine damages between drivers. Another failure in analysis was thematic of the entire curriculum. Normative thinking — the "shoulds" and the "oughts" — was not recognized as part and parcel of rigorous analytic skills. Although the greatest forays in past legal scholarship, from the works of Roscoe Pound to those of Judge Jerome Frank, proceeded from a cultivated sense of injustice, the nation's law schools downplayed the normative inquiry as something of an intellectual pariah. Thus the great legal challenges of access to large governmental and corporate institutions, the control of environmental pollution, the requisites of international justice suffered from the inattention of mechanized minds. There was little appreciation of how highly demanding an intellectual task it was to develop constructs of justice and injustice within Holmes' wise dictum that "the life of the law is not logic, it is experience." Great questions went unasked, and therefore unanswered.

Possibly the greatest failure of the law schools — a failure of the faculty — was not to articulate a theory and practice of a just deployment of legal manpower.

Possibly the greatest failure of the law schools — a failure of the faculty — was not to articulate a theory and practice of a just deployment of legal manpower. With massive public interests deprived of effective legal representation, the law schools continued to encourage recruits for law firms whose practice militated against any such representation even on a sideline, *pro bono* basis. Lawyers labored for polluters, not anti-polluters, for sellers, not consumers, for corporations, not citizens, for labor leaders, not rank and file, for, not against, rate increases or weak standards before government agencies, for highway builders, not displace residents, for, not against, judicial and administrative delay, for preferential business access to government and against equal citizen access to the same government, for agricultural subsidies to the rich but not food stamps for the poor, for tax and quota privileges, not for equity and free trade. None of this and much more seemed to trouble the law schools. Indeed, law firms were not even considered appropriate subjects of discussion and study in the curriculum. The legal profession — its organization, priorities and responsibilities — were taken as given. As the one institution most suited for a critical evaluation of the profession, the law school never assumed this unique role. Rather, it serviced and supplied the firms with fresh manpower selected through an archaic hierarchy of narrow worthiness topped by the editors of the school's law review. In essence it was a trade school.

The strains on this established legal order began to be felt with *Brown vs. Board of Education* in 1954. *Brown* rubbed the raw nerves of the established order in public. The mounting conflict began to shake a legal order built on deception and occult oppression. The ugly scars of the land burned red. Law students began to sense, to feel, to participate, and to earn scars of their own. Then came the Kennedy era with its verbal eloquence, its Peace Corps — overseas and later here. Then came Vietnam and Watts, Newark and the perturbation became a big-league jolt. Law students began to turn away from private practice, especially at the Ivy League

law schools. Those who went directly to the firms were less than enthusiastic. The big corporate firms in New York and Washington began to detect early signs that their boot camps were not responding to the customary Loreleis of the metropolitan canyons. Starting salaries began to reflect the emergence of a seller's market. Almost two years ago, the big New York Cravath firm set a starting salary of \$15,000 a year and many firms followed. Still the law graduate detour continued. The big firms began to promise more free time to engage in *pro bono* work — the phrase used to describe work in the public interest such as representing indigents. The young graduates were still dissatisfied — first over the contraction of the promises and second over the narrow interpretation given to *pro bono* work.

At the same time, more new or alternative career roles in public service began to emerge. Neighborhood Legal Services, funded by OEO, was manned by 1,800 young lawyers around the country at last count. The draft is driving many graduates into VISTA programs. There are more federal court clerkships available. And the growth of private, public-service law institutions such as Edgar Cahn's Citizen's Advocate Center and the Urban Law Institute headed by his wife, Jean Cahn, are not only providing such career roles but articulating their need throughout the country.

Whatever the outcome, the big firms will never be the same again. They will either have to dedicate substantial manpower and resources to public service. . . or they will decline in status to the level of corporate house counsel or public relations firms.

Meanwhile back at the law schools, student activism has arrived. Advocacy of admission, curriculum and grading reform is occurring at Harvard and Yale. Similar currents are appearing at other law schools. New courses in environmental, consumer and poverty law are being added to the lists. The first few weeks of the present school year indicate that the activists' attention is turning to the law firms that are now coming on campus to recruit. In an unprecedented move, a number of detailed questionnaires, signed by a large number of students, are going out to these firms. The questions range far beyond the expected areas of the firms' policies on minority and women lawyers, and *pro bono* work. They include inquiries about the firms' policies on containing their clients' ambitions, on participation in law-reform work, on conflict of interest issues, on involvement in corporate client and political activity, and on subsidizing public-interest legal activity. Such questionnaires are preliminary to the development of courses on law-firm activities, and to more studies of specific law firms, which began this past summer with a study of the largest Washington, D.C. firm, Covington and Burling.

The responses which the firms give to these questionnaires, and whatever planned response the students envisage for those firms who choose not to reply, will further sharpen the issues and the confrontations. The students have considerable leverage. They know it is a seller's market. They know how vulnerable these very private firms are to effective public criticism. Status is crucial to these firms. Status is also a prime attraction for competent law school graduates.

In recent months, there has been much soul-searching among the larger firms. Memos suggesting various opportunities for *pro bono* work by younger associates have been circulating between partners. A few decisions have been made. Some New York and San Francisco firms are considering or have instituted time off allowances ranging from a few weeks a year to a sabbatical. Piper & Marbury, a large Baltimore firm, has announced its intention to establish a branch office in the slums to service the needs of poor people, without charging fees if there is an inability to pay anything. Arnold and Porter, the second largest Washington, D.C. firm, has appointed a full time *pro bono* lawyer and is permitting all firm members to spend, if they wish, an average of 15 percent of their working hours on public service activities. Hogan and Hartson, the third largest D.C. firm, is setting up a "Community Services Department" to "take on public interest representation on a non-chargeable or, where appropriate, a discounted fee basis," according to the firm's memorandum on the subject.

The Hogan and Hartson memorandum is a fairly candid document. Like other firm memorandums on *pro bono* ventures, there is the acknowledgement that such a move "may have a favorable impact upon recruitment." The executive committee of Hogan and Hartson concedes that "there is a tendency among younger lawyers, particularly those with the highest academic qualifications, to seek out public-service oriented legal careers as an alternative to practice in the larger metropolitan law firms." In its internal firm statement, the committee notes that it "regards the relative disfavor into which the major law firms have fallen to be attributable, at least in part, to the feeling among recent law school graduates that these firms have failed to respond to the larger problems of contemporary society." (Their emphasis.) Some statistics impressed the senior partners: the University of Michigan Law School reports that 26 of its 1969 graduates entered Wall Street law firms as compared with an average of 75 in preceding years. Harvard Law School reported that the percentage of its graduates entering private law practice declined from 54 percent in 1964 to 41 percent in 1968, and an even more significant decline is expected in the next few years.

CLEPR Sees Value in Clinical Law Courses

The Council on Legal Education for Professional Responsibility, Inc., is a New York-based organization apparently established to promote the obvious purposes implicit in its name.

The Council's views on clinical education and its place in the modern law school appear to be radically different from what other legal educators see as the role of practical legal training. For comparison, look at the article (accompanying this) reporting remarks by Professor Geoffrey C. Hazzard on the challenges to legal education.

The statements printed below are from CLEPR's September, 1969, newsletter entitled, "Educational Values in Clinical Experience for Law Students."

The first of the educational values in clinical legal education which needs to be exploited is the teaching of standards for the performance of the basic skills involved in service to a client and a cause by a lawyer. These skills are interviewing, collecting facts, counselling, writing certain basic documents including pleadings, preparing for trial, and conducting trial matters, as well as following up after the conclusion of a trial.

For years legal educators have eschewed the task of working these areas. The most commonly given reason has been that the law graduate will learn these skills best when he enters on his practice. The result has been to leave most law graduates to their own devices for they will have no postgraduate tutorial experience as an intern.

Even those who will be tutored as interns after law school should gain from what they can learn in law school, for even in the best of settings and with the best of tutors there are certain commercial or institutional forces which restrict the young lawyer's efforts to the purposes of his employer and client as quickly as possible. In no institution outside the law school is there as much tolerance for abstract perfectionism and repeated efforts at refinement.

The law schools are no strangers to the teaching of some very practical techniques. What the law schools have done is to refuse to teach those techniques which are most directly related to the life of the lawyer in practice.

The law schools have chosen to teach so-called scholarly skills and standards as exemplified by the favored position of the law review and related research experiences in law school. In these experiences the law schools have eagerly embraced the opportunity to give some students an excellent training in research and writing of the kind that will lead them along the road to the scholarship which finds favor in the eyes of the teaching fraternity.

Although such research and writing does have a carryover value for writing in the practice of the law, it enjoys a high prestige in law school primarily because it is the kind of research and writing which may qualify a student to become a law teacher and legal scholar. That this is so is evidenced by the fact that so many of the law teachers are

chosen from law review students. This favored status continues for those who go on to fortify the law review experience with a clerkship to a high-ranking judge, where again the skills in research and writing are emphasized.

The point is that the law school, removed from the pressures of the business world, can provide excellent training in basic lawyer-client skills. Clinical legal experience provides a vehicle for doing this in the law school. Clinical legal education provides a way in which a law student may be challenged by the facts of life and asked to respond with legal thinking in a live situation, in contrast to the presentation of a legal problem in printed words on a page.

In the live setting, the law student will have to respond in a way that is fundamentally different from the response he is asked to give to a written problem. In the live situation the facts do not come in the relatively orderly sequence which is provided by writing. In real life the facts come quite often in a chaotic way. Indeed, the facts will not come without hard work at eliciting the facts. Quite often the source of facts turns out to be an abrasive or even abusive human personality. Yet this person is typical of many personalities who will be requiring legal services from the practicing lawyer.

Instead of the comfortable and convenient printed page, the law student will be confronted with someone who may seem to be more of an antagonist than a person asking for his assistance. Still, this is how people behave in periods of stress and strain when legal services are required. It is important that the law student be rubbed by a repetition of such experiences to find out how to maintain his capacity to think and to be useful as a lawyer under such circumstances.

The second educational value offered by clinical legal education is the opportunity for a law student to learn about the management of his emotional commitments to a client and his cause. A student in law school when working on a written problem may break off in the middle, and even abandon a problem in favor of starting on something else. He may or may not come back and pick it up again. He has much flexibility and latitude in dealing with an ivory-towerish, fictional situation, consisting of abstract personalities often with amusing names thought up by a professor, who himself needs some levity to relieve the tedium of writing legal problems for students.

In a theoretical problem of this kind the student's emotional involvement as a lawyer is impossible. He only becomes committed as a student, competing with his professors and his fellow students for marks in mental agility unrelated to service to a human being. The student does not have the real life experience of finding out how far he can go in involving himself with a client and his cause; how far he is apt to go because of his own temperament; and when he needs to temper his involvement and commitment so that he is able to perform a better job for the individual and for others who may need his services.

In the law school, removed from the necessity to earn a fee, the law student has his best and possibly his only opportunity to learn about managing a proper commitment to a client and his cause. The student can learn

what a high order of commitment should be. He also should be able to learn when a commitment becomes distorted in a professional service setting, when it may become destructive and counter-productive both for the lawyer and his client.

There is a delicate sensibility about involvement and restraint which continues to be developed through extended life experience, but the law school can provide the best start at training these faculties. It should be the place first to become aware of these nuances in the rendering of professional services. Every experienced practitioner will recognize tensions created in attempting to strike the proper balance in each lawyer-client relationship, and between one client and another.

It is necessary for the student to have an exposure to a series of clients. There are values to be derived from a thorough and uninterrupted piece of work on the problems of one client. Yet an exclusive concentration on a single problem and a single client can lead to an unreal experience, though it is better and fuller experience than the abstract case presented in writing.

A single case does not give the student the challenge of placing his commitment and his work on one case and one client in juxtaposition and possibly in conflict with the demands of other cases and clients. Only in this larger experience does the student begin to have a feeling about balancing his undertakings properly, and of living more easily with his emotional as well as his intellectual proclivities. Only in this larger exposure can he learn to give each client and his case a high order of involvement without becoming counter-productive in terms of delivery of good legal services to more than one client.

A third educational value in clinical legal education is that it can develop in the future lawyer a sensitivity to malfunctioning and injustice in the machinery of justice and the other arrangements of society, as they are reflected in the individual case. It is the lawyer's work on the individual case and with his individual clients that constitutes the essence of his professional job. It is in this environment, therefore, that he needs to learn to recognize what is wrong with the society around him —

particularly what is wrong with the machinery of justice in which he is participating and for which he has a special responsibility. This is a special social aspect of clinical legal education, apart from the delivery of legal services by the law student.

Some legal educators have argued that a law student can learn more, or at least as much, about social problems by an adequate exposure to certain kinds of research including field and empirical research. There is no doubt that this is so. This is also so for students in any social science discipline — or indeed in any discipline. For a good research experience per se can yield extraordinary insights into social problems.

However, the future lawyers are not going through law school to learn how to conduct social science research projects on social problems. They are going through law school to learn how to serve persons who need legal services. This is still the primary function of the law school. Consequently it is important for the person training to become a lawyer to develop an instinct which leads him to perceive, from the specific facts of a case involving a client, a general social problem.

For this is the form in which he will be exposed as a lawyer to the social problem, and not by way of the opportunity to make a special study of the problem apart from the handling of individual clients and cases. Of course law students should have the benefit of participating in good social science research — but not in lieu of a clinical experience with clients and cases.

The law student in the clinical legal experience also should learn the distinction between 1) that which the lawyer has a special power for accomplishing as a lawyer, and, 2) that which the lawyer has to accomplish as a citizen using all the powers at his command. In the first category there are those things which the lawyer can do to influence reform directly by virtue of his work as a lawyer. These involve work on the substance, the doctrine, and the procedure of the law in the course of providing legal service. They include special efforts to improve the machinery of justice in those instances where the organized bar and its closely

related institutions undertake reform.

In the second category there are those reform activities including the machinery of justice but also extending in the economy and social institutions, where the lawyer is effective as a citizen with standing because he has achieved in his own profession.

Clinical legal education should help to make the future lawyer sensitive to the broad issues going beyond the immediate case. It should give him practice in how to act as a lawyer in making constructive change in justice in the course of his professional work. It should make him aware that he has another role as an active and responsible citizen of the community at large. The first is professional. The second is political. The two roles are complementary. They are not identical or interchangeable.

Law school can provide the opportunity for future lawyers to deal with lawyer-client matters in a context of learning the best ways before the force of the everyday world have a chance to depress standards of performance.

A fortunate but relatively small number of lawyers will have the opportunity to learn the best ways in a government office or larger law firm during an internship period in which they will be tutored by the seniors. But for most young practitioners there will be no such opportunity.

Because those who become lawyers have differing abilities, motivations, and life circumstances, the same kind of service cannot be expected of every lawyer. But there is too much variation in the standard of service afforded by different segments of the American bar.

The absence of a good tutorial experience in a large law firm or in a public agency for most law school graduates and the absence of this kind of experience in law school, directly related to a low standard of performance by many who have to start practicing faced with the immediate necessity of "meeting a payroll." Clinical legal education can improve the performance of the American bar and the delivery of legal services by helping to eliminate some of the existing disparities in standards of service.

MODEL COURT PROPOSAL Goes to State Justices

The Model Court rule for Missouri, a proposal that would enable third-year students to appear in courts or before administrative tribunals on behalf of indigents, has been forwarded to the state Supreme Court for consideration.

The rule, drafted by Professor Gary L. Anderson of the University of Missouri, will be reviewed by a committee consisting of justices Robert T. Donnelly, chairman; Robert E. Seiler; and James A. Finch, Jr.

Similar to the model rule outlined by the American Bar Association, the Missouri rule will go into effect six months from the date of acceptance if adopted by the state Supreme

Court.

The rule's supporters currently are organizing a campaign to press for adoption of the proposal. Last April the Missouri Bar Administration's advisory committee came out against student practice.

The Supreme Court will have to choose between two alternatives in regard to one provision of the rule. There is apparent disagreement between Washington University and University of Kansas City law schools on one side and University of Missouri and St. Louis University law schools on the other as to whether students will be required to be accompanied by a lawyer when appearing in court on a civil matter.

The former two schools support the alternative which would require no lawyer to be present, while the latter two would like to have a lawyer present with the student in such cases.

ENVIRONMENTAL PROBLEMS CONFAL

(Continued from Page 3)

not phasing out.

Most foreboding of the statements made by ecologists present was that, in the very near future (perhaps 10, 20, 30 years) man himself could be on the verge of extinction thanks to his thoughtless destruction of his environment. The prediction was based on increases in pollution, which, unchecked, will markedly decrease available supplies of food and water. Man, then, weakened, will fall to disease and starvation.

The purpose of the conference was to discover responsible means for focusing public attention on the problems of the environment and to plan action to combat pollution. Much of the discussion centered around development of laws to preserve what one attorney at the conference called "environmental integrity."

To promote public support for such measures plans are underway for environmental teach-ins and other informational projects.

COMPLETE TEXT OF STUDENT COMMITTEE REPORT

The following is the full text of the special ad hoc student committee's report to be presented next week to the committee of Dean Lesar, Prof. Assistant Professor and the Board of January Inn.

INTRODUCTION

The ad hoc student committee believes that it is for the student body to establish a new approach to the problems of communication between faculty and students. The committee serves as a platform for this new approach.

The report (for want of a better term) is based upon an analysis of the myriad of complaints, suggestions, and student grievances which have been circulating among students. Its object is to present a definitive statement of all student complaints. Rather, it is a suggested agenda for discussion.

PROBLEM: LACK OF STUDENT PARTICIPATION IN DECISION-MAKING AS A SOURCE OF FRICTION BETWEEN FACULTY AND STUDENTS

Students are reluctant to get involved in issues of law school pertaining to curriculum, course content, academic standards, admissions and other topics. There are two reasons for this: (1) Students are afraid of retribution at the end of each semester, and (2) they believe that their views will be dismissed with little consideration by a distant faculty.

Although students are at the law school for a relatively short span of time, they are one of the two "real parties in interest" in legal education, particularly their own legal education. Today law students are increasingly concerned about decisions that touch and their conduct and plans. They know them, and they know them, and they know them.

LEADER ON LAW

(Continued from Page 3)

too early to appraise these programs because they have not gotten underway. The likelihood that serious or abrasive problems of interest situations will arise depends on the kind of work selected. If this work deals with "band-aid law" programs on a case basis, few conflict of interest problems will arise. On the other hand, should the *pro bono* lawyers work with the financial institutions who fund the slum projects for example, or strive toward structural reform of the institution, then the probability of conflict is increased. Because of the enormously greater cost-benefit which would be realized by the more basic *pro bono* efforts, the external pressures on the firm's leaders will be in that direction. This could lead to more profound clashes between the firm's interests and its paying clients and its recognition of public responsibilities. With additional law student and younger lawyer demands for cash contributions for scholarships to law students, for admission of more minority lawyers to membership, and for senior partners to pay "fees" out of their own salaries to assist the legally needy - all demands made or in the process of being made - the pressure may soon exceed the firms' threshold of tolerance. The experiment in *pro bono* may terminate. However, the outcome, the big firms will never be the same. They will either have to dedicate substantial manpower resources to public service, and somehow resolve the conflict between their business and public relations firms. The

C. When students participate in decision making, they are better able to accept judgments made. However, token discussion of the problems will contribute little to communication and confidence between faculty and students. Anything less than full and direct student participation in the decision-making process will be defeated by the forces of apathy and fear.

QUESTIONS: Why do apathy and fear have to exist in an atmosphere that is, by definition, one of free discussion? Why are students who are capable of studying and resolving great legal issues incapable of participating in decisions which directly affect them?

SUGGESTIONS: That students be given representation on faculty committees dealing with curriculum, admissions, scholarships, and other areas of interest to students; that students be consulted on all matters directly concerning them. The recently-formed student transcript revision committee and the faculty-adopted resolution to permit a vacation at semester break are encouraging steps in this direction.

II. PROBLEM: LACK OF MEANINGFUL CURRICULUM REVIEW AND REVISION.

A. Interdisciplinary studies. At a time when many law schools, particularly the so-called "prestige" schools, have undertaken extensive programs of interdisciplinary studies, our law school has abolished the provision that enabled students to take up to six-hours credit in non-law courses. Furthermore, even while this provision was in effect, the courses which were allowed as "outside" credit were usually only business school courses. Everyone is aware that the law concerns society in every way. As lawyers, today's students will be required to make decisions concerning not only remedial law but architectural law as well. Yet students at this school are not permitted the great insight that could be gained from study in other disciplines.

B. New fields of law. Many lawyers and law professors have begun to recognize that new areas of law, such as debtors' remedies (instead of creditors' rights), race relations law, poverty law, etc., will be increasingly important aspects of a lawyer's practice. Yet we have little opportunity to study these fields because of a reluctance to consider implementing courses which would deal with them.

The recent appearance of a substantial number of text books in these areas not only points up their importance but eases implementation of courses to teach them.

C. Clinical programs. Students in general have little excitement or enthusiasm about their work within the law school, especially within the curriculum offered. Most students seldom are encouraged to delve into academic pursuits outside of the day-to-day preparation for class. Self-inspiration is retarded by the difficulty in seeing any academic rewards. In fact, for those many students who are not dubbed for candidacy on one of the publications (some 80%), such reward is virtually impossible to obtain. The abolition of Moot Court and the absence of other clinical programs (such as practice court, a structured legal aid program, etc.) only encourage the feeling that one should "put in his time" with three years of daily preparation and then go out and learn how to "lawyer."

D. Legal ethics. In view of the ABA's revision of the Code of Professional Responsibility and the problems of the ethical standards of the judiciary, especially those of the Supreme Court, something more substantial than the legal Ethics course is needed now.

E. Legal writing. Much disparity now exists in the Legal Writing course assignments. Some professors now assign lengthy, albeit educational and constructive projects, while others merely require that their students complete assignments which practically may be copied from the form books. The complaint is neither with the volume of material nor the amount of time that the more exhaustive projects require. The problem lies in the inequities that result from differences in the assignments. Furthermore, since the ability to communicate via the written word is the most basic of a lawyer's skills, the legal writing course should be expanded into a comprehensive, well-structured educational experience that could be a valuable indication of a student's aptitude for a position on one of the publications, rather than the haphazard, no-credit requirement for graduation that it is now.

F. "B.P. & D." There is concern whether this course should be required, at least as it is presently constructed. The drafting portion is felt to be very valuable, but changes are urged both in the irregular administration of the sections and in the substance of the

drafting assignments. The textual part of the course is questioned because of its subject matter and because of the limited time in which the material must be covered. A full re-evaluation of the course is suggested.

QUESTIONS: In view of the relationship of law and society, why are there no longer any opportunities available for students to study outside the law school? And why were the permitted courses under the six-hour plan traditionally business school courses?

Why has the school not kept pace with the more progressive trends in legal education by considering new courses which directly confront and discuss the most trying problems of our society?

Why are there no more opportunities, other than the publications and the nearly defunct moot court program, for the students to engage in extra-curricular activities which relate directly to their future law practices? Why was the requirement of moot court participation abolished? Why is it that many students do not enjoy law school? Why is it that the three years are viewed at best as a necessary evil and a boring, unexciting period of a student's life? What type of lawyers will these students become after spending three years of uninvolved, unexcited "study"? What type of lawyer does this law school try to produce? What is the objective of this law school? Why is there little chance for the students to become involved in constructive, exciting, inspiring education?

SUGGESTIONS: That a re-evaluation of the curriculum be undertaken with particular emphasis on: (a) The legal writing requirement with an eye toward making the assignments more equitable and more constructive - a real learning experience; (b) Changing the legal ethics course into a more pervasive analysis of professional responsibility generally, taught on a full-semester basis; (c) Reinstating the rule permitting students to take courses outside the law school for at least six hours, and hopefully nine to twelve hours credit; this could be done without fear of the privilege being abused by establishing a special committee of three faculty members and two students to review and approve, subject to the Dean's final approval, all petitions for courses to be taken outside the law school. (d) Recognizing the important new areas of law study, such as those mentioned in B. above, and considering

providing such courses; And (e) implementing new clinical programs and revitalizing the moot court requirement.

III. MISCELLANEOUS PROBLEMS AND SUGGESTIONS.

A. The library. The law library, especially the reading room, is a sham. At best it has become a club. This is so because students do not observe any semblance of quiet. Furthermore, due to irregular checkout procedures, books constantly are disappearing for unauthorized periods of time or altogether. Recent periodicals are not available to students at large due to a strictly followed rotation order among faculty members or Law Quarterly which lasts for months, only to be followed by binding (which, incidentally, has deteriorated in its quality considerably over the past few years).

If the library is indeed the necessity that the law makes it, i.e., if it is the only tangible tool an attorney or law student has, then some means of order must be obtained, must it not?

Something should be done now about new checkout procedures, library hours, a fine system for overdue books with severe sanctions, and *absolute quiet* in the reading room.

B. Placement. Much concern has been voiced lately that unless one wishes to practice in the Midwest, the school offers little assistance in the way of placement. This unfortunate situation has been researched extensively by a member of the junior class, and the students and faculty should consider seriously his findings and work toward improvement of the placement opportunities available.

C. Grading by numbers. Whether based in fact or fiction, there is a real fear among many students that personal bias plays a part in the grades they receive from some faculty members. This absurd condition could be relieved by a student-administered grade-by-number system, and such a system should be taken under consideration.

D. Scholarships. It is unfortunate that those students who are most in need of scholarship assistance in many cases may obtain financial help only in the form of loans. While it is a laudible objective to reward the students who rank highest in their class, many students feel that need also should be taken into consideration when the decisions to grant scholarships are made.

polarization of the legal profession seems a more likely development. Before he left Harvard almost two years ago to become US Solicitor General, Dean Griswold wrote of his belief that there would be a "decline in the relative importance of private law practice as we have known it in the past." This trend is in fact occurring as far as the younger lawyers' concept of importance is concerned. However, the immense power of these firms and their tailored capacity to apply know-how, know-who and other influences remains undiminished.

Recent evidence of the resourcefulness of large corporate law firms in overwhelming the opposition on behalf of its clients comes from the firm of Wilmer, Cutler and Pickering. A firm team, headed by Lloyd Cutler, obtained last month on behalf of the domestic auto companies a feeble consent decree in return for the Justice Department's dropping its civil antitrust case charging the domestic auto companies with conspiracy to restrain the development and marketing of pollution control systems since 1953. Earlier Mr. Cutler succeeded in having the Antitrust Division heed his representations that the original policy to initiate criminal proceedings, after an 18-month grand jury strongly wanted to return an indictment, be dropped. The terms of the consent decree are being challenged by a number of cities in federal district court at Los Angeles. The petitioners allege that there are inadequate provisions for disclosure of the conspiracy information and for long-term compliance, and that the great deterrent effect of a public trial was lost. Without going into further detail, it is sufficient to state that many law students and younger lawyers see a divergence in such a case between the lawyer's commitment to the public interest and his commitment to the auto industry.

Professor Charles A. Reich of Yale Law School expressed one form of this heightened expectation of the lawyer's role as

follows: "It is important to recognize explicitly that whether he is engaged publicly or privately, the lawyer will no longer be serving merely as the spokesman for others. As the law becomes more and more a determinative force in public and private affairs, the lawyer must carry the responsibility of his specialized knowledge, and formulate ideas as well as advocate them." In a society where law is a primary force, the lawyer must be a primary, not a secondary, being."

The struggle of the established law firms to portray themselves as merely legal counselors affording their corporate clients their right to legal representation is losing ground. So too is their practice of hiding behind their responsibility to those clients, and not taking the burden of their advocacy as the canons of ethics advise them to do wherever the public interest is importantly involved. Either they are technical minions or they bear the responsibility attendant upon their status as independent professionals.

Clearly, there is need for a new dimension to the legal profession. This need does not simply extend to those groups or individuals who cannot afford a lawyer. It extends to the immense proliferation of procedural and substantive interests which go to the essence of the kind of society we will have in the future, but which have no legal representation. The absence of remedy is tantamount to an absence of right. The engineer of remedies for exercising rights is the lawyer.

The yearning of more and more young lawyers and law students is to find careers as public-interest lawyers who, independent of government and industry, will work on these two major institutions to further the creative rule of law. The law, suffering recurrent and deepening breakdowns, paralysis and obsolescence, should no longer tolerate a retainer astigmatism which allocates brilliant minds to trivial or harmful interests.

FACULTY-STUDENT COMMITTEE TO GET SPECIAL REPORT

(Continued from Page 1)

In response to that proposal Dean Lesar said that such a committee already was in existence and referred to the luncheon earlier this fall at which he, Mr. Mills, and Mr. Greenfield were present.

Mr. Mills later said that Ad Hoc II was a committee specifically established to deal with faculty-student relations. "When the committee has been mentioned by faculty members, I always have heard it called an 'ad hoc' committee," Mr. Mills said, adding that he believed the committee has been meeting for at least three years.

At any rate the suggestion was made to the dean that the next meeting of Ad Hoc II be opened to the entire student body. Later Palmer set up next Tuesday's meeting of Ad Hoc II.

Sub rosa discussions among informal groups of students have been going on for most of the present school term. Most of the talk has been about apparent dissatisfaction with, and concern about, relations between the student body and faculty.

Also there has been considerable student interest in approaching the faculty about numerous proposals to change particular courses in the curriculum, especially those for second and third-year students.

Two events catapulted the informal talk into formal student body action emerging as the Ad Hoc I committee.

One event was the previously mentioned faculty-junior class coffee at which several faculty members expressed a willingness to consider student proposals on any subject as well as any student "grievances."

The other event was the visit three weeks ago of a three-man committee representing the American Bar Association's Legal Education and Law School Section as well as the American Association of Law Schools.

The purpose of this visiting committee was to gather information about the law school as part of a routine inspection conducted once every few years. Committees like this apparently try to visit each ABA and AALS-accredited law school at least once every five or ten years. During such visits suggestions and criticisms are proposed to the individual law school and a report is submitted to the individual school, the ABA, and the AALS.

The committee that visited Washington University was led by Dean Robert B. Yesse of the University of Denver Law School. The other two members were Professor Edward A. Mearns of Northwestern University Law School and Judge John W. Peck of the United States Court of Appeals, Sixth Circuit.

As part of the inspection the visiting committee met at a luncheon with randomly selected representatives of the student body. Various issues of

concern to the WU law school student body were discussed in detail (for a full report of the visit by the three-man committee, see the story by Robert Palmer elsewhere in this edition of *The Advocate*).

The upshot of the student-faculty coffee and the student meeting with the visiting committee was a proposal by Edward Klinger, second-year student, that a special student committee be formed to gather information from the student body about various issues and present specific findings to the faculty.

Klinger was encouraged and authorized by the January Inn Board of Governors to form such a committee, which turned out to be Ad Hoc I.

A proposal was submitted to make the Ad Hoc I report a plea for some form of ongoing student-faculty communications to consider various matters. Klinger and members of his committee have stressed the need for such communications to consider student ideas which will be put in final form for consideration once the communications procedures are established.

The Ad Hoc I report has been revealed to Dean Lesar, Mr. Mills, and Mr. Greenfield as well as to the Board of Governors so that these people, as the Ad Hoc II committee, can more intelligently discuss the report's contents. However, the report officially will be presented to Ad Hoc II next Tuesday.

DOGMAS: FOR and AGAINST

(Continued from page 2)

5. The art of reading appellate cases is either the important of a lawyer's skills or the only skill law school is able to teach, and so the teaching of in drafting, oral or written advocacy, negotiating preparation, and trial presentation should be extracurricular activities or arcane seminars.
6. Courses built around the law of a single jurisdiction ("local law courses") cannot be taught in the manner. (Exceptions: Constitutional Law; Federal Courts.)
7. Law students are not competent to pass on the abilities of law teachers. However, teaching should be judged by student scuttlebutt, and publishing an article in a prestigious law review (i.e. one edited by students) is grounds for promotion.
8. Anything less than a centrally supervised court system is chaos; anything more than chaos in a law school infringes on academic freedom.
9. Anyone who has left our faculty was either (a) so undesirable that he was eased out, or (b) so desirable that a fantastic offer was thrust upon him which required much soul searching, he reluctantly accepted.
10. At a great law school no teacher should teach more than six hours per week—even if he does nothing for the students, the school, or the profession.
11. Law teachers welcome just criticism, but not too much.

WIRTZ URGES DEVELOPMENT of New Social Institutions

(Continued from Page 1)

community, and to law schools in particular, Wirtz said lawyers should turn their attention to new "cases or controversies" involving the dichotomies of two societies, one black and one white, two nations, one rich and one poor, and two cultures, one humanistic and one scientific.

Wirtz urged law students to consider the matter of priorities of the individual versus the

"system" and to find ways of implementing this Third Way. Taking a note from the speech, Wirtz called students to be the "architects of change."

Secretary Wirtz was heard at an alumni luncheon for the speech and met with students at a coffee hour the afternoon. A full text of his remarks will be published in the Law Quarterly in a future edition.

Students Air Gripes, Proposals with 'Visitors'

(Continued from Page 1)

element in that purpose was to talk to students.

The details of the discussion are set out at length, but the essence of the conversation between the students and the team members revolved around three related areas.

First, almost everyone agreed that the students have an interest and right to be involved in the decision-making process at the law school. Participation was viewed as essential if solutions are to be found for other problems.

The suggestion was that students elsewhere have proved an asset in decision-making because they have shown they can tackle and intelligently solve problems heretofore reserved solely for faculty consideration. Furthermore, free discussion and participation was said to foster a climate of understanding and involvement in the school.

Second, a curriculum apparently limited in scope and an undue emphasis on the two scholarly publications (Quarterly and the Annual) leave the majority of the student body without any non-classroom opportunities for intellectual reward.

Prof. Mearns said it was bad to let students put in their last two years as best they can. Dean Yegge viewed as "scandalous" the lack of alternative intellectual opportunities outside the classroom.

Third, the question continually arose about what the school's objective is. Students were asked what kinds of lawyers they thought the school is trying to produce. One team member suggested that perhaps the law school was trying too hard and unthinkingly to emulate Harvard and other top-rated schools.

Dean Yegge said that there are only two real parties in interest in the legal education process: The students and the faculty members. Students, he asserted, can offer a great deal in the way of evaluation and criticism of all facets of their legal training.

Both Prof. Mearns and Dean Yegge are associated with schools where students participate extensively in the decision-making process. At both Northwestern and Denver all committees, with the exception of that on tenure, have an equal number or some ratio of faculty-student voting members. Student participation, Mearns and Yegge agreed, have proved helpful and stimulating—anything but harmful.

The discussion between the WU students and the visitation team ran the gamut of issues confronting legal education, and the context of the talk was the Washington University Law School.

The students did not challenge the overall quality of their education. The two scholarly publications as well as the low faculty-student ratio were cited as two of the school's key assets.

But several students maintained that "something is wrong" in the school and attempted to place the sources of trouble on: (1) the lack of a continuing forum for discussion by faculty and students of topics of interest to students and strained faculty-student relations.

The conversation also dwelt on the apparent apathy and fear that most students have about voicing their opinions on law school policies and practices.

An example of apathy cited by one student pertained to a

written proposal that a student had submitted to the faculty about placement. The student making the proposal had followed the suggested procedures, but he believed that his ideas had received little consideration by the faculty.

The students cited a lack of established procedures on rules on many topics (for example, how second-year students are selected for the two publications) and the virtual non-communication of any rules that do exist on some matters.

Second, the suggestion was made that a big reason for student silence is fear of faculty "sanctions," mainly at the end of the semester, when grades are released.

It was clear that the reference was not to the usual classroom trepidation that develops in the give and take between professor and student. Rather, the fear expressed was "if you make waves or suggest changes within the law school, your head will roll."

Whether the fears are ill-founded, the point was that the element of intimidation is real in the minds of many students. Two oft-repeated phrases that embody the student fears were mentioned: "The correlations are just too high not to be coincidences" and "cooperate and graduate."

Besides stifling hopes of sharing in the decision-making process, one student suggested that fear and apathy carried over into other areas. An example was cited in which a student who had not "done well" his first year was told to "just take easy courses so you can get out of here."

The complaint also was made that too much emphasis was placed on making either Law

Quarterly or Urban Law Annual. The contention was that students not involved in either of these were not given other opportunities for individual achievement.

Both Prof. Mearns and Dean Yegge said that the problem of student rivalry between law review and "non-law review" students was a common one. But both also noted that from the comments of the publication members they had heard, as well as from the general tone of discussion, the problem seemed especially acute here.

A second large area of discussion dealt with curriculum and course content as well as teaching methods. The topic of "clinical education" programs was widely discussed, and the visitation team members outlined two basic ingredients for successful clinical projects: Financial support and faculty interest.

The team members said that teaching professional responsibility and competence is a problem at all schools and that many approaches have been suggested. But the team agreed that some clinical and professional programs are necessary.

Specifically in the curriculum department, the suggestion was offered that legal writing be switched to the second semester of the freshman year, perhaps as part of a comprehensive, three-year program for developing professional writing and oratorical skills.

Part of this suggestion was that a legal writing requirement in the first year would enable selection to Quarterly and Annual to be based on writing ability as well as grades. Prof. Mearns acknowledged that such a program now exists at

Northwestern and several law schools.

The "Legal History" program was discussed, and the members said that the behind that course should be dismissed as irrelevant rather than alternative approaches ought to be considered.

Another suggestion was that faculty members make more better use of facilities and personalities outside the school, especially employing resources from the University and professional bar who would be relevant to classroom material. Some examples of recent attempts to do this were cited and praised, and students urged that more be done.

The question of instituting partial pass-fail grading was raised by Mr. Mearns. At the same time said that proposal was tried at Harvard and elsewhere but with limited success. He said the idea should not be discarded totally worthless.

Both Mr. Mearns and Dean Yegge agreed that a disciplinary administrative task is too heavy for professors to meet deadlines. But both said there is little excuse for a professor to remain "out" for months.

In regard to admission placement policies, Dean Yegge said that Washington University was doing more to recruit students than might be realized. Prof. Mearns wondered if there were no placement procedures involving faculty, alumni, and students.

As a matter of fact, a team of members expressed concern about the apparent general lack of involvement by alumni of the law school.

Library Report Goes Faculty Committee

14-page report of proposals aimed at revamping the law procedures in order alleviate problems initially raised by the committee has gone to a faculty committee for action.

The January Inn-appointed student committee which made report was headed by John Birath, a second-year student. Others were Ken Ingram and Bill Struk, third-year students. All currently work parttime in the library as monitors at the on desk.

forwarding the report to Professor David M. Birath, chairman of the faculty Library Committee, Birath for the committee in a Mr. Becker, assigned to the proposals of the committee. Birath said that no financial stand in the way of presenting the student administration of the library desk was of the priority.

student administration of the library desk essentially hiring more students on the basis so that fulltime personnel can be released or work. If funds are not available to implement this, Birath said that the proposals could still be made.

other proposals including the circulation desk setting an absolute time for borrowing books, filing the circulation filing to determine who has books, strictly enforcing the fine system, and having a regular schedule shelving books. These proposals were given a "very priority" by Birath.

on a "high priority" were proposals for reorganization of the library room, enforcement of governing the reading and restructuring the Library Committee to include student personnel in the library.

ath called "important" measures for the systematic of overdue books, new

circulation procedures for periodicals, and new rules governing after-hours use of the library.

Mr. William C. Jones, professor of commercial and comparative law, was honored Dec. 12 at a farewell party given by members of Delta Theta Phi legal fraternity.

Prof. Jones is leaving at the end of the current semester for an 18-month sabbatical in Taiwan for a study of Chinese commercial law.

More than 60 persons, including law school faculty and staff, members of the fraternity and their wives and dates, were present at the event, which was held at the home of senior Dave Wahl.

Prof. and Mrs. Jones were presented with matching Oriental robes, in keeping with the Oriental theme of the party and the nature of their forthcoming undertaking.

UK Prof. to Teach Social Legislation

Robert M. Viles, 30, Associate Professor of Law and Assistant Dean at the University of Kentucky College of Law, will teach the course in Social Legislation to be offered here next semester.

The course will be offered for two hours - from 10 a.m. to 12 - on Saturday, since Mr. Viles will be in St. Louis only on weekends. He will continue his duties at the University of Kentucky in Lexington during the week.



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Committees, Elections Sparked by Meeting of 'Ad Hoc' Panels

There have been important developments on several fronts in the wake of last month's meeting between the two ad hoc committees that discussed various law school matters.

The score card to date looks like this:

- A Library Study Committee appointed by the January Inn Board of Governors submitted to the faculty Library Committee a 14-page report on the problems of the library along with several proposals (see adjacent article in col. 1, this page).

- A student committee to consider proposals pertaining to selection for scholarly publications as well as changes in the Legal Writing course has met with the faculty Curriculum Committee. The faculty

committee has taken a series of proposals on publication selection and Legal Writing under study. The proposals were made by Barry Brown, a second-year student.

- The faculty Transcript Committee has met with a panel of students to investigate problems involving information made available on student transcripts with an eye toward possible revision of transcript format.

- In elections held last week students voted 121 to 31 in favor of a proposal putting the "grade by number" system on a mandatory basis under auspices of the student-run Honor Council. The proposal was scheduled to go to the faculty this week.

- In addition, students voted by large margins in favor of resolutions, in effect, calling for the faculty to ensure that semester grades for upper classmen would be available not later than Feb. 16 and not later than March 16 for freshmen. These resolutions also were to be forwarded to the faculty.

The Honor Council's revision of the Honor Code is nearing completion and probably will be ready early in the second semester, according to Gary Fleming, second-year representative to the council and

chairman of the code revision study.

January Inn also has expressed strong opposition to the Murphy Amendment that would put the OEO legal aid program under control of state governors. The Board of Governors sent a letter last month to President Nixon urging his opposition to the amendment. Copies were sent to Missouri's Congressmen and Senators (in a related matter, see page 2, col. 1).

The Board of Governors also has established a student committee for an in-depth study of Missouri's laws pertaining to domestic relations. The project is under the supervision of Joseph M. Ellis, vice president of January Inn.

Finally, in a letter to Mr. Justice Donnelly of the Missouri Supreme Court signed by each of the members of the Board of Governors, support was given to the Model Court Rule that would allow third-year law students to appear in court on behalf of indigents in certain cases.

The Model Court Rule was submitted to the state Supreme Court last month by the Missouri Bar Association in conjunction with various law school and student groups in the state.

Dorsey Sets "Law School Change" Criteria

to doubt changes can be in law schools that help law to play a more part in correcting injustices in the States. Therefore, assessment of any aspect of the Law School is in r. Whether such a assessment is beneficial, ever, will depend upon standard used.

the standard should be based the purpose of legal education, which might be by Mr. Mearns, most broadly, as: To be lawyers to preserve and and justice by the most rable practices and tutions. In American society relationships and actions are ned by constitutional iples.

applications of principles to rete behavioral situations eeds, in the courts, by al steps that are tested by rsary advocacy, and are cit and public so that error be detected and corrected. n, under new social itions, a new principle is down it becomes an ation on all and a mandate enforcement against those moved by obligation alone. short, American society es and redefines justice, and es toward its social ization, by principle, gation, and authoritative ion. So long as this remains the principal standard by h to measure a law school be whether it trains lawyers

to effectively and responsibly participate in the reasoning processes by which openness and objectivity are sought in the authoritative interpretation and application of principles of social organization and action.

In current social criticism two themes recur which assume the inability of man to remake society through reconsidered principle, actualized by obligation and authoritative coercion. One theme, SOCIAL NECESSITY, has massively influenced the social sciences. The other, SUBJECTIVE INDIVIDUALISM, has pervasively influenced literature and drama.

Social Necessity, in current form, comes from the German idealist philosophers, especially Hegel, who saw the significant reality of a rose as the process by which the rose plant moves to actualize its full potentiality by successively negating and overcoming each earlier stage of actualization, as the blossom negates and overcomes the bud. Applied to society as "science" and not merely suggestive insight, the process analysis implicitly de-humanizes man.

In process-analysis social theory man is not evil-good, selfish-unselfish, violent-peaceful, as he is in common experience. Rather, man is capable of acting only in accordance with the predicates assigned by the theorist to his "class," or "role." A factory owner is a Capitalist; a Capitalist squeezes Profit out of Workers; therefore, Workers can not get Justice until Capitalism is



Professor Gray L. Dorsey

destroyed. The technique is recognizable in Marx, and, more recently, in Marcuse and C. Wright Mills. The result is Social Necessity, which makes men prisoners of class or role, and pawns of social process.

Subjective Idealism, in current form, came into literature and drama from the secular existentialist philosophers, especially Sartre. If a man's decisions are objectively futile because of Social Necessity, the importance of the distinctively human activity of choice must be subjective. The result is that significant reality becomes the internal experience of sensations and emotions. Bertrand Russell expressed this by saying that the existentialist finds his freedom in indulgence of his moods. Subjective Individualism is

explored *ad nauseam* in current literature and drama. Often the two themes are combined. An example might be titled: "Rotten Society Corrupted by Imperialist, Racist War-Mongers Shatters Sensitive Young Non-Acquisitive Peace Lover."

The rejection of reasoned social change tends to produce extreme and quixotic programs for social change. Men caught in the grip of an advanced industrial society are powerless to treat each other humanely, therefore they must say NO: to the whole society and bring it to a screeching halt. Men in a society that uses organized violence are powerless to be kind and gentle, therefore their personalities must be restructured by manipulating their interpersonal relationships or by tinkering with their body chemistry, electricity, or genetic code.

Back of every such program for social reform is a group of experts who by self-proclamation have transcended the limitations inexorably worked on lesser men and who infallibly know how to start up a good society after the evil one has been destroyed, or who know how to manipulate the social experience, minds, or genes of others in order to make them kind and peaceful. The ability of these experts to know and manipulatively to cause human and social goodness must be taken on faith because their theory begins with rejection of any objective, open process for social change.

As guides to social reform,

Social Necessity and Subjective Individualism are flatly false and the denunciation, scapegoating, frustration, despair, distrust, and scepticism that they breed are tragic misdirections of human energy. The proof is in common experience. The movement of black people toward full social equality in the United States flows from a reinterpretation of constitutional principle by the Supreme Court. Social changes to actualize the full equality principle have been slow enough when based on obligation and authoritative coercion.

What would be the situation if no sense of obligation existed because all confidence in an objective social process had been destroyed? How much change toward full equality would have occurred by now if everyone, including Southern whites, were free to act on social conditioning, in pursuit of personal interest, or in response to emotional impulse, until he was expertly reconditioned or expertly restructured physically or psychologically, or until society was stopped and expertly restarted?

It is often said that law schools must utilize the modern social sciences in order to train lawyers to serve the need for social change. I think that is true, but the social sciences must be utilized on the instrumental level. Any trace of the premises, conclusions, or attitudes of Social Necessity or Subjective Individualism in the standard used to reassess law school courses or procedures would be unfortunate.

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Editor

News

Features

Special Contributors

Dennis L. Wittman
Gerald Dehner, Gene Goetz, Dennis Wedemeyer
Patti Byrne, Paul Schroeder, Mark Goodman
Arthur Smith

Open Letter to St. Louis

(Editor's note: The following "Open Letter to the St. Louis Community" was released last week by the Board of Governors of January Inn, the Student Bar Association of the Washington University School of Law. Copies of the letter went to local news media and officials connected with the Legal Aid Society controversy.)

Several weeks ago County Supervisor Roos began a successful campaign of vilification against the Legal Aid Society of St. Louis and St. Louis County. Roos attacked the Society for providing legal assistance to groups challenging "cherished American Institutions." The United Fund followed the County Government in terminating its financial assistance to the Society.

The groups of which Roos speaks have challenged such "cherished American Institutions" as racial bias and poverty. It is our opinion that such institutions shall and will be challenged and eliminated. We feel that the methods practiced by the Legal Aid Society are presently among the more acceptable means of accomplishing this objective.

We call on the United Fund to give its "fair share" to the Legal Aid Society, which was stated in the Fund's solicitations.

Accordingly, we call on the Administration of Washington University to cease immediately all collections for the United Fund until such time as the Fund reinstates the financial assistance to the Society and we call on the Faculty and students of the University to act to see that this is brought about.

Accordingly, we call on the citizens to view with suspect, political designs based upon appeals supported by an apparent disregard for those who are forced to live in a world of poverty and discrimination.

If the Fund fails to reinstate the financial assistance to the Society, we shall then call for an individual and corporate boycott of the Fund and ask the citizens to give their "fair share" to the Legal Aid Society and other worthwhile causes working, not to stifle progress, but to solve our vital community problems.

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Holiday Greeting

This is the final issue of *The Advocate* for this semester. Publication will resume with the February 20, 1970 issue. The editor wishes to thank everyone — faculty and students — who has helped make *The Advocate* an apparent success. Have a happy vacation.

# Nader Urges Student Interest Consumer Problems at Talks He

By Arthur Smith  
(Advocate Special Contributor)

Consumer advocate and establishment critic Ralph Nader called on Washington University students to channel their energies into a new direction, a research involvement into consumer affairs, during a speech in Graham Memorial Chapel Wednesday, Nov. 12.

Nader spoke in the university's regular Assembly Series of Lectures to an overflow crowd of students, faculty and visitors. He drew a standing ovation at the end of his hour-long speech.

The noted lawyer-author also appeared the next day in the Law School Courtroom in a special unscheduled appearance arranged by Robert Palmer, president of January Inn.

During his speech in Graham Chapel Nader focused on the technological monopoly held by industries serving the consumer. Thus, he said, it is impossible to establish a standard for regulation of these industries without an outside body of knowledge. Furthermore, the consumer is denied the knowledge he needs to effectively play his role in the market place.

He asked students to apply the analytical tools they are learning in school to a study "in microcosm" of the institutions around them.

There has not been enough attention paid to consumer affairs, Nader asserted. "Challenges to the legal system itself aren't undertaken by young law students or law schools because such challenges don't come with large enough retainer fees," he said.

Law schools do research only into areas that have career opportunities for the students, he added.



Ralph Nader

During his appearance at the law school Nader elaborated on some of his views regarding the failure of law schools in general to adequately equip students for consumer problems.

(An article by Nader, entitled *Law Firms and Law Schools*, which appeared in the Oct. 11 *New Republic* was reprinted in the November issue of the *Advocate*. Ed.)

He stressed opportunities for research and investigation into the institutions here in St. Louis and in Jefferson City and drew a comparison to the so-called "Nader's Raiders," a group consisting predominantly of law students from East Coast schools who last summer investigated government agencies in Washington, D.C.

To bring home the charge of inadequacy, Nader made reference to some specific examples of ways in which law school courses are not relevant to consumer problems.

Torts class considers the role of driver negligence in automobile accidents, he said, but completely overlooks the factor of manufacturers' negligence in designing the auto. His research has provided some graphic examples of the

influence of automobile in personal-injury accidents, Nader said.

Criminal law class takes considerable time to hear he noted, but no time to hear the "crime of pollution" is killing 10 to 20 people in New York City.

In both his speech at Chapel and his appearance at law school, Nader asserted belief that the "burden of proof" in consumer cases should be on the seller, not the buyer, when it comes to demonstrating that products have no harmful effects.

"A lobbyist for the industry said to me once there was no study showing a relationship between rodent by-products and health," Nader said. "The response was that the burden of proof is on the seller, and he shows me that by-products won't hurt me. At least are neutral, I will not object."

Nader said the consumer does not have adequate access to information to make an evaluation of the safety of a product; therefore the burden must be shifted to the manufacturer who has the resources to make such an evaluation.

"But there is a cover-up here," Nader said, "a colossal nondisclosure."

Another graphic example of the nonavailability of information came in the form of a hypothetical dialogue between a customer and a salesman. "Sure, your car can go from zero to 60 in 10 seconds," the customer said, "but how can it go from 60 to zero?"

Nader also appeared at a conference and spoke to university students in a question-and-answer session after his speech.

## LETTERS TO THE EDITOR

# Student Offers Placement Program Suggestion

To the editor:

The placement services of the law school should be expanded to include law firms other than those in Missouri and Illinois as well as national corporations and federal and state agencies. The question is how to do this, given our limited resources.

Inquiries to other people on campus concerned with placement have shed some light on this problem.

There are presently two active placement services on campus. One is the University Placement Service, which operates out of the faculty apartments on the northwest corner of campus. This service caters to the education school and to the other non-technical areas of the campus. Much of its time is spent working with people from the business school.

The second service is that run by the Engineering School. This service, in addition to placement, handles recruiting of students, draft counseling, and the school's co-op program (where students work a semester and go to school a semester). The director of this service is a graduate electrical engineer, who travels extensively in carrying out his duties.

The engineering office operates with one secretary and a student hired parttime to keep track of the mountain of

literature that companies mail in ahead of their visits.

The university service operates with a director, an assistant director (who handles the education school load), and, as best I can tell, three or four secretaries.

Both services handle placement for alumni who desire such service, though the university office seems to do more of this than the engineering school. However, the engineering office handles placement for students in chemistry, physics, geology, etc.

The directors of both services say that to contact a substantial number of law firms, corporations, and governmental agencies would require the full-time services of one secretary for six to eight months per year.

After initial contacts are made the first year, the ball can be kept rolling by the existing staff of either service. In other words I'm suggesting that if the law school could provide the additional dollars to cover the first-year expenses, we might be able to get one of these existing services to handle our placement for us.

The reasons for taking this approach are two: Lack of large sums of money and office space at the law school. One of the limitations on handling placement from the law school is

the lack of interviewing space. This will be alleviated, hopefully, at the new law building.

For now the assistant dean's office could be used, since Mr. Greenfield usually spends most of his time at his office in the library mezzanine. Even if we used the personnel of one of the other services, we might have to use the assistant dean's office, since the other two services both seem reluctant to "lend out" their interview rooms.

In sum, my proposal is that a committee of students and any interested faculty members get together to work out some sort of plan for which financial appropriations could be made. This would include doing everything from making a list of prospective interviewing firms, corporations, agencies, etc.; determining the number of man-hours the program might require; and arriving at a dollar figure to plan costs.

Possibly we could simply place our lists in the hands of the director of whichever service we chose to work with, along with the funds to hire one secretary for six to eight months and adequate phone and stationery budget. The director then could line up the interviewers for us and use the secretary we would provide when she is not working on our placement service program.

Both services have indicated to me that they can do little for us unless we can supply secretarial help. Even so, this would be less expensive than trying to run a full-time placement program ourselves. Doing the latter might cost as much as \$8,000-\$10,000 a year.

## The Boot and Double Jeopardy

To the Editor:

"Humiliate the student — it's good for his mind." This is a law professor's motto, now out of fashion but not entirely out of practice, at least at Washington U. The motto and the philosophy it encompasses came to mind the other evening when I happened upon a discussion between several freshmen and upper classmen. The veterans were trying to forewarn the neophytes about the various terror tactics they should expect from their professors second semester. Particularly dwelt upon was the routine of being kicked out of class, should one be unprepared when asked for a brief.

In my opinion (and I'm sure I speak for the great "silent majority" of students), the procedure of giving a student "the boot" if he is unprepared is trite and nothing more than a

So working with one other offices seems feasible, economically. The advantages and disadvantages of working with either one or both committee I mentioned would have to study these.

T. Rankin  
2nd-year student

hangover from the 1800's school instruction method. The motto tells us that the professor does it only for the good of the student, but it is simply a satisfying manifestation of the individual professor's onerous idiosyncrasy. Fortunately, only a few professors engage in this practice.

I recall Professor Art Lefkowitz's characterization of "the boot." He called it "double jeopardy," explaining that (1) the student hurts himself by not being prepared, and (2) the professor's classroom instruction discussion was "double jeopardy." I consider this an enlightened attitude toward the practice of kicking a student out of class than what the motto implies. God bless Art Lefkowitz! It wouldn't it be nice if interpretation was uniform?

Bill S.  
3rd year student



December 11  
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# The Advocate

The Student Newspaper  
Washington University  
School of Law

No. 5

St. Louis, Mo. 63130

February 27, 1970

## Two New Profs Will Join Faculty for 1970-71 Term

Two new professors — one visiting and one permanent — will join the law school faculty next fall to the teaching complement to its full strength of 17. Frederick K. Beutel, a professor emeritus of law with a list of teaching credits, will be the visiting professor 1970-71, filling in for Professor William C. Jones, who on an 18-month sabbatical last month.

The permanent addition to the faculty will be all R. Meyer, 26, a 1968 graduate of the University of Law School and currently an attorney with Dorsey, Quatt, Windhorst, West & Hallady, a Minneapolis, firm. Mr. Meyer currently is a parttime instructor at University of Minnesota Law School.

Beutel will teach Uniform Commercial Code, Comparative and possibly another in commercial law. Mr. will relieve Associate Professor Neil M. Bernstein of Civil Procedures course and take over Evidence from Professor James H. sty. Mr. Meyer also will be Foot Court Team advisor.

According to Dean Hiram H. ar, Mr. Meyer was r-in-chief of the University Law Review and stood in his class. He is a member der of the Coif.

1965 graduate of Cornell ge in Iowa with a degree in gy. Mr. Meyer is a member e Iowa and Minnesota bars. married.

r. Beutel, 73, was a first enant in the U.S. Army in d War I. He received his

B.A. degree from Cornell University in 1921, his L.L.B. from Harvard in 1925, and his S.J.D. in 1927 from the latter school. He is a member of the bar of Washington, Pennsylvania, and Nebraska.

Mr. Beutel's teaching experience includes: Professor, Tulane University, 1928-35; Visiting Professor, University of Pennsylvania, 1931-32; Dean, Louisiana State University School of Law, 1935-37; Visiting Professor, Northwestern University, 1938-39; Professor, William & Mary University School of Law, 1940-45; Assistant-for-counsel, United States Department of the Interior, 1943-45; Dean, University of Nebraska School of Law, 1945-49, Professor same school, 1949-63. Mr. Beutel has been Professor emeritus of law



Kendall R. Meyer

of the University of Nebraska since 1963.

Since 1963, he has been a visiting professor at the University of Puerto Rico, University of Illinois, and University of Buffalo. He was a member of the American Law Institute seminar at the University of Puerto Rico in 1963 and 1965 and has been on the advisory board of Behavioral Studies Council since 1964.

He was the editor of Beutel-Brannon on Negotiable Instruments in 1932, 1938, and 1948.

## Deadline Today for Election Candidates

Today is the deadline for aspiring law school politicians to present their positions for candidacy to the Board of Governors of January Inn.

Anyone interested in running for next year's Board of Governors must present a petition of candidacy signed by at least 10 students no later than 4 p.m. today. The petitions can be given to any of the current board members.

Student body elections will be next Wednesday during regular school hours. All students are eligible to vote for president, vice president, secretary, and treasurer, and the first and second year students can vote for their respective class representatives for next year.

An interesting race appears to be shaping up for president of January Inn, a post that must go to a member of next year's senior class, according to the January Inn constitution.

The two announced candidates for president, as the Advocate went to press, are a couple of Joes: Joseph Ellis and Joseph Sanchez. Their campaign platforms are presented elsewhere in the paper. Ellis currently is vice president of January Inn and has been on the board for two years. Sanchez currently is a member of Honor Council. (Tuesday afternoon Edward Klinger and Ted Savage joined the race for president.)

As of Monday the only candidate for vice president, at least so far as the Advocate was able to learn, was Tom Watson, currently the freshman class representative. Stu Showalter, a second-year student, appeared to be the only candidate for secretary as of last Monday.

All candidates will have an opportunity to air their views next Monday, when January Inn sponsors an open election forum for candidates for all offices.

As in the past the freshman class appears to be the key to the election. The total number of freshmen exceeds the combined total of the other two classes, and a larger percentage of the freshman class tends to vote.

## Dean Gets AALS Visitors' Report

Dean Hiram H. Lesar has received the report on the law school compiled by the three-man visitation team that inspected here last October.

The dean said that he would study the report and add his comments to it before sending it on to the Visitation Committee of the American Association of Law Schools. Dean Lesar said that the report is confidential and would be available only to the AALS, the legal education section of the American Bar Association, and the faculty and administration here. He added that he would make a statement about the report to the student body when he finishes his comments.

According to the dean, the report is both laudatory and critical. The report is the result of a routine inspection of the law school and has nothing to do with accreditation, as some students erroneously assumed last fall. Dean Lesar said that the inspection came upon his own request made in 1969.

The three men who visited here were: Robert B. Yegge, Dean of the University of Denver Law School; Professor Edward A. Mearns, Jr., of the Northwestern University Law School; and Judge John W. Peck of the United States Court of Appeals for the Sixth Circuit in Cincinnati.

## Proposal Tabled While Faculty Studies ULA Credit Hours

Further action on a student's proposal to change the Legal Writing requirement has halted temporarily while the faculty studies the current policy on granting credit to members of the school's two scholarly publications.

The proposal, offered last by second-year student y Brown, urges not changes in the writing program for upperclassmen also alterations in the present method of selecting members for Law Quarterly and Urban Law Annual.

The six-page, informal suggestion, written at the encouragement of Professor B. Gerard, is under study by two different faculty committees — publications and curriculum. Mr. Gerard, the only faculty member on both committees, that recently at a faculty meeting it was revealed that members of Urban Law Annual currently receive three hours of credit without writing a

paper for the Urban Law Annual Honors Seminar offered by Professor Daniel R. Mandelker.

Mr. Gerard said that most faculty members had not known about this situation and believed that it was contrary to policy on which the Annual was established three years ago.

According to Mr. Gerard, the Annual was supposed to be another publication outlet for student writing, especially seminar papers written by third-year students under Mr. Mandelker. Students for the Urban Law Annual seminar would try out by writing papers for Mr. Mandelker during their second year.

The Annual currently operates in a way similar to Law Quarterly in that candidates, chosen on the basis of first-year grades, write case comments and assist in routine editing during their second years, and then assume editorial board positions during their third years. This year the Annual's associate editors and other third-year students not in editing position took the honors seminar, but the editor-in-chief, articles editor and notes editor did not. However, all received the three hours credit normally given for the seminar.

Law Quarterly editorial board members currently receive six-hours credit during their third year, although only recently the faculty changed this from six hours of a grade, usually 90, to six hours of a student's average.

Mr. Gerard emphasized that the Annual is not under attack. "Don't get me wrong. We're not going to do away with the

Annual or anything like that," he said, adding that on review the faculty may decide that the current practices on both publications are satisfactory.

However he explained further that Brown's proposal involved both changes in the curriculum as well as selection to publications and the faculty decided to clear up issues surrounding the latter before

considering changes in the former.

The Brown proposal generally urges selection to the publication staffs on the basis of criteria in addition to grades during the first year. Brown made various suggestions and offered a discussion of procedures followed at other schools.

The proposal also urged the faculty to reconsider the overall legal writing program, especially Legal Writing and Business Planning and Drafting, now required courses for second and third-year students, respectively.

Brown was urged to make his suggestion last fall after discussing the subject with Mr. Gerard at a student-faculty coffee hour.

According to the Law School Bulletin, all students except Law Quarterly staff members are required to take one seminar for three hours credit in either their second or third year (1969-70 Bulletin, p. 18; 1970-71 Bulletin, p. 15). However, elsewhere in the same booklet, the following appears: "Student editors may participate in a senior Urban Law Annual Honors Seminar." (1969-70, p. 28; 1970-71, p. 26).

## In This Issue... Election News

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- Sanchez campaign platform ..... Page 4
- Ellis campaign platform ..... Page 4
- Klinger campaign platform ..... Page 4

This issue of the Advocate was delayed a week to enable the candidates for president of January Inn to present their views for publication. Their statements are presented on page 4, and they have not been edited in any way. The length of the statement was up to the discretion of each candidate, and the Advocate will continue to take an objective position in the race.



## The Advocate

Washington University  
School of Law  
Student Newspaper

Published during the months  
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November, December, February,  
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of Law.

Editor  
News  
Features

Dennis L. Wittman  
Gerald Dehner, Gene Goetz, Dennis Wedemeyer  
Patti Byrne, Paul Schroeder, Mark Goodman

## HU & Trading Cards

The 1969-70 school year has been quite a time for new publications at the law school. First, the Advocate entered the scene last fall, and now we welcome two more illustrious publications, the Dean's Newsletter and HU, Notes from Underfoot.

The Newsletter is a good idea, and we congratulate the dean. Further information on the Newsletter can be found elsewhere in this issue.

HU, an underground flyer that calls itself a newspaper, surfaced the day after the first semester ended. Since then it has appeared twice — both issues arriving around semester exam time.

After a somewhat amateurish effort in the first two issues, HU settled down to some pretty good humor in the third edition, and we hope it survives. It has aroused a lot of interest, especially in regard to the identity of its editor-in-chief.

The fact that we are commenting on HU here probably will bring further accusations that HU is a subsidiary of the Advocate, that we're discussing HU now "just to throw everyone off."

Well, sorry, but we can't take credit for this new light on the local publishing scene, but we thank everyone who thinks our sense of humor is capable of creating HU. HU has had some pretty good lines.

But our humor always has run to the more heavy-handed variety — water balloons, thumbtacks on chairs, pinching girls, etc. We thought about writing a humorous piece suggesting that Art Smith be "broken up" the way people wanted to break up the New York Yankees back in the 1950's when they won all those championships.

However, we became so engrossed in looking over our old bubble-gum baseball cards on the Yankees that we forgot all about Art.

As for the baseball cards, we think they would be a prime target for Ralph Nader and his proteges. What a crummy deal those cards were. The people that printed them hooked you with their stale bubble gum that shattered into tiny pieces when you dropped it on the ground, and then they kept you coming back by sticking five or six cards in each package.

The trouble was that for every Mickey Mantle, Stan Musial, or Ted Williams they printed, they must have run off 10,000 of people like Ray Jablonski, Bud Podbelian, Willie Miranda (the shortstop, not the convict), Andy Carey, Arnold Portacarrero, and others too illustrious to mention.

We finally were forced to quit collecting after filling two shoe boxes with cards. The cards weren't the problem, but the bubble gum was a bonanza for the family dentist. A slab of that gum could wipe out \$25 worth of dental fillings in about five strokes of a 10-year old's jaw.

Maybe baseball cards were really a part of a vast conspiracy to corrupt American boyhood. After all, it seems like a logical step from the compulsive collection of pictures of baseball stars to an accumulation of the monthly Playboy centerfold. Those were the pictures that you kept in the shoebox way up in the back of the closet.

Yeah, Ralph, we think you ought to look into these matters. But please don't let word get out to people like Attorney General Mitchell or Strom Thurmond. They're liable to believe there really was a conspiracy. The next thing you know they'll send Judge Hoffman down here to hold a trial, and we'll all be in trouble.

## Labor Lawyer Addresses Students

Edward Welsch, a 1960 graduate of the Washington University School of Law, in a January Inn-sponsored talk last week, gave students a glimpse of what it's like to be a labor lawyer in the St. Louis area.

Mr. Welsch, a Negro with a private practice in East St. Louis, specializes in labor problems, drawing on previous experience as an attorney for the National Labor Relations Board and a member of the legal staff of Allis-Chalmers, Inc., Milwaukee, Wisconsin.

Active in various areas of civil rights, Mr. Welsch related his experiences in assisting black workers to overcome job discrimination from both unions and managements.

"The size of the bargaining table is going to continue to expand," Mr. Welsch said, explaining that when labor negotiations are conducted in the future, various segments of society, in addition to the unions and management, will be present. "There will be a seat for the black worker, a seat for the consumer, and maybe others as well," he said.

As Mr. Welsch views the current opportunities in law, there has never been a time that offered more chances for young lawyers to help "change the fabric of society."

He said that any young attorney should always remember two basic elements of insecurity for most people — insecurity over

## Viles Supports Clinical Programs Despite Problem with Course at UK

Robert M. Viles, the University of Kentucky law professor who has been flying in on Saturdays to teach Social Legislation at the law school here, is a firm supporter of clinical legal education.

The 30-year old Viles, the Assistant Dean and an Associate Professor at Kentucky, recently participated in a workshop in Chicago sponsored by the Council on Legal Education for Professional Responsibility. He also offers several courses at Kentucky that feature a clinical approach.

The three-hour Social Legislation course that Viles teaches here follows the traditional approach of cases, reading materials, and classroom discussion, but his course by the same name at Kentucky is considerably different.

This semester at Kentucky he is teaching between 15 and 25 second-year students using a strict clinical approach. There are no regularly scheduled classes and only a minimum amount of readings and textbook work. Most of the student's time is spent working on actual cases and legal problems involving indigents and others seeking welfare assistance, social security, or other benefits.

So far Mr. Viles isn't totally pleased with the all-clinical approach. "It just hasn't worked out as well as the course I taught first semester," he said.

He was referring to another Social Legislation course that was a mixture of clinical work and traditional classroom teaching. In that course students used the same materials that his students here are reading, but in addition worked with social workers in the Lexington, Ky., welfare office. The idea was "to give the students a chance to meet people with real problems."

Despite the problems with his present course, Mr. Viles remains seriously committed to the concept of clinical legal education and of opening up avenues for providing law students with practical experience while still in school.

"The whole nation of clinical courses and the way a lawyer works is in a state of flux," he said. "Anyone who is working in clinical education should be having problems, because the idea behind it is not as easy as it may seem."

The trouble with injecting practical programs

into the law school curriculum is that they are to be shunted aside by faculty members. "Unless they are conducted seriously and sincerely they become like P.E. in college — something you have to do, but not enthusiastically," Mr. Viles said.

Nevertheless, there is a serious need to change the traditional law school program, according to Mr. Viles, because it simply no longer is relevant training for the many roles in which a modern lawyer may find himself. He also added that the traditional approach is not meeting the expectations of today's law students.

"Legal education is in kind of a no-man's land," he said, explaining that it neither effectively teaches a student to practice law nor does it provide an adequate grounding in public policy matters which more and more are the issues in law.

Mr. Viles believes that as long as law schools are "saddled" with the case method, the Socratic dialogue, and the master-servant form of professor-student relationship, the education they offer won't be very effective.

"You can take just about any type of professional school or graduate-level program and find it in good shape," he said. "It's not that law students are any better or that the schools have more money or better facilities. They just haven't developed a better method of education."

Mr. Viles said that he likes to get second-year students in his clinical courses so that "they get outside the law school and meet some real clients." Otherwise, he said, second-year students get bored and "turned off" once they have survived the terror of the first year.

There are serious differences of opinion about the most effective kind of clinical program. "Some say that clinical teaching ought to be the main approach, while others think in terms of legal aid for three hours credit and not more," Mr. Viles explained.

Mr. Viles is somewhat of a rarity among law professors because he did not make the dean's list at his alma mater, New York University. He said he just missed making it but he doesn't believe he is at any disadvantage. One of the problems, he said, is that too often the people who "do well" in law school think the system should not be changed.

## Legal Aid Director to Speak

Denison Ray, the controversial director of the St. Louis Legal Aid Society, will speak today to undergraduates in a course offered by Law School Dean Hiram H. Lesar as part of the College of Arts & Sciences general studies program.

The course, Survey of the Legal Profession, meets from 3 to 5 p.m. each Friday in the courtroom. There are currently about 50 students in the course, which, according to the dean, is designed to give undergraduates

a general view of the legal profession so they can determine whether they want to go to law school.

Dean Lesar said that any law students caring to listen in at class sessions may do so. He said that he is conducting the class on a guest-speaker basis to provide a large cross-section of legal experience of interest to the undergraduates.

Appearances by a practicing lawyer, a public defender, an assistant city prosecutor, and a trial lawyer have been, or will be, part of the course.

Mr. Ray has been in the center of controversy

surrounding some of the activities of the local legal aid program. Legal aid has been under attack since the middle of last fall, when St. Louis County Supervisor Lawrence Roos cut off county funds to legal aid at the St. Louis United Appeal fund followed with a similar termination of financial support. The cuts came after legal aid work on behalf of some black junior college students involved in an anti-war protest.

## Dorsey to Open Ethics Class

Professor Gray C. Dorsey will open the law school senior Ethics course next week with a lecture on the law's obligation in a period of social change.

The talk will be the first of a series of four that members of the senior class will attend. The program is designed to acquaint seniors with issues of professional responsibility.

Other topics to be covered include roles of the public and private attorney, bar association function, the canon of ethics, law office management, and fees.



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**WHY ARE THESE PEOPLE LAUGHING?** Well, no one knows about the one in the middle, but the two are smiling because when this picture was taken they were about to leave the winter weather of St. Louis for 18 months in sunny Taiwan. That's Prof. William C. Jones trying on an oriental robe that he received as a farewell present from the members of Delta Theta Phi legal fraternity. Mrs. Jones also received a robe. The picture was taken at a farewell party for the Joneses late last semester. Dennis Mertz, fraternity president, is the fellow in the center.

## Tuition to Jump \$150 Effective Next Fall

The recently-released 1970-71 Law School Bulletin confirmed the inevitable — a \$150 jump in tuition effective next fall.

The increase will make tuition fees for 1970-71 an even \$2,000 for the year and will cap a \$400 rise in tuition within a two-year period.

Dean Hiram H. Lesar said that the increase to \$2,000 has been scheduled for some time as part of an overall effort to bring the law school's fees in line with the rest of the university. Undergraduates will pay \$2,200 a year next fall.

As with most other rising costs these days, the tuition increase has been laid at the door of inflation that has driven up library expenses and other normal operating costs incurred by the school.

Tuition fees and earnings from the \$6 million endowment provide most of the operating funds for the law school, according to Dean Lesar. Actually, the endowment, not to

be confused with the university's general endowment, is composed of several small funds earmarked for loans and scholarships, the library, faculty salaries, and other costs. Part of the so-called "free" endowment — i.e., uncommitted dollars — has been channeled into underwriting the new law building now going up near the northwest edge of the campus.

Dean Lesar said that the law school still is looking for considerable funds for the new law building to replace dollars temporarily siphoned from the endowment. The building is due to be completed by August 1, 1971.

## St. L. Area Spawns Interesting Legal Problems

The St. Louis area lately generated several legal problems and lawsuits that are of more than passing interest to students of the law school.

In addition to the legal struggles in which the St. Louis Legal Aid Society has been involved the last fall and besides the proposed anti-obscenity ordinance by St. Louis (alderwoman?)

Bass, the following

Lee Blount, a Negro man and a resident of Ladue, sued that community's school district and its school superintendent because of legal emotional injuries suffered by his children while attending an elementary school in Ladue.

Blount seeks \$100,000 in damages for abuse and mental distress that he claims his children endured because school

### Education Change Gets Expedited

The law school faculty voted a student-body resolution to change this year's spring break from April 5-12 to April 22-29.

The proposed change in the spring break brought the spring break in line with that of most St. Louis County school systems, thereby giving married students wives who teach school a chance to have a vacation.

Traditionally the spring break was the first week of April, but most school systems plan vacations to coincide with

though the proposal on the break was rejected, a student-initiated change of the law school calendar apparently has become a reality.

The one-week intersession between first and second years, proposed by students and accepted by the faculty, has been written into the 1970-71 calendar listed in the latest Law School Bulletin.

Dean Hiram Lesar has said the break between the two years will be permanent if the university decides to make a completely different calendar, thereby forcing the law school to change, or unless the law school body proposes other changes in the future.

authorities did not take sufficient steps to shield them from their white classmates. The school the Blount children attended also enrolled 425 white students.

The case is being tried without a jury in United States District Court because the plaintiff is arguing a violation of his children's constitutional rights.

Last week an education specialist from New York University was called by the plaintiff as an expert witness, and the educator testified that school districts like Ladue should take special steps when faced with the likelihood of having a few black students in an otherwise all white school.

The case might merit a trip to the federal building if it is still

going on at the time this is published. Students interested should call ahead or check the local papers to make sure the trial is still open.

One legal problem that has not yet gone to court in every instance, but may soon, involves the expansion of the Jack-in-the-Box quick service food chain that is a subsidiary of Ralston Purina.

The restaurant chain has met opposition at three locations in St. Louis and the county where it plans to open outlets. The location closest to Washington University is at Delmar and Skinker Boulevards.

There, neighbors are complaining that a proposal to tear down a building housing a Chinese restaurant, a bookstore, and a neighborhood theatre for

Jack-in-the-Box franchise "would destroy the character of the neighborhood." This controversy has drawn the attention of University officials, who have asked company officials to "look into the matter."

In the county a decision by the Creve Coeur Board of Aldermen to deny permission to build a Jack-in-the-Box at Olive Boulevard and Decker Lane has been challenged in St. Louis County Circuit Court. The suit filed in behalf of Ralston Purina charges that the aldermen acted "arbitrarily, capriciously, and without legal justification."

Another board of aldermen in suburban Glendale rejected a subdivision plat that would permit a Jack-in-the-Box at the southwest corner of Manchester

and Sappington roads. According to Glendale officials, a permit to operate a drive-in restaurant in their community would require a change in commercial zoning regulations.

In another St. Louis County case, Mr. and Mrs. Marvin W. Selsor filed a million-dollar suit against a nursery, claiming that the defendant sprayed pesticides which drifted over the couple's home, causing illness to them and their 11 children and eventually forcing them to leave their home.

The Selsors claim they lived adjacent to property on which defendants started their nursery business in 1963. The plaintiffs seek \$25,000 in damages for being forced to leave their property in 1966 and \$1,000,000 for "continuing health problems." The suit alleges that large quantities of the spray were used, despite frequent requests to stop.

Still another controversy that may wind up in the courts involves a 1.8 billion dollar industrial development program for a 22,000-acre area of the

*Continued on page 4*

## Hardisty Works on Proposal for Joint Law-Social Work Degree

Exploration has been conducted by the law school and the school of social work into the possibility of offering a joint program leading to a law degree and master's degree in social work in four years.

James H. Hardisty, Assistant Professor of Law and Social Work, has been working out the details of the proposal, which was prompted by interest expressed to him by social work students in his Family Law course last semester.

The school of social work has appointed a faculty committee to explore the idea, while the law school has designated Mr. Hardisty to study the matter from the law school point of view.

Recently Mr. Hardisty drafted a series of possible curriculum programs that could be implemented to fulfill the requirements necessary for granting a J.D.—M.S.W. degree in four years.

Mr. Hardisty said that there are problems that have to be resolved, but that both schools are receptive to the idea. Both would like to see a joint program established by next fall if details can be settled.

Mr. Hardisty said that he would like to see the program set up so that students in either school could complete their first-year requirements in their respective schools before

deciding on entering the joint program.

Under one proposal, for example, a student could enter law school and after his first year decide to seek a joint degree. If he did, he then would spend his second year primarily in social work courses, would return to an all-law schedule his third year, and have a mixed program his fourth year.

A student entering the school of social work could decide on a joint program after the first year, and if he did so, his second and third years would be spent taking a program that a law student normally takes in his first and second years. The fourth year again would be a mixed schedule of law and social work classes.

Of course, in order to enter the joint program, a student would have to be admitted by both schools. Application to both could be made before a student started either, but under the foregoing plans a first-year student at either school could apply for admission to the other and, upon admission, complete the joint program within four years.

In a memorandum covering the presentation of the joint program idea to the law faculty, Mr. Hardisty said:

"Joint degrees in law and social work are becoming desirable in a growing number of areas. In recent years there have been parallel trends in law and social work toward involvement in social action and human

development programs.

"The expansion of community development activity in social work and legal aid activity in law are examples of these trends. In several areas, recent trends in law and social work are not so much parallel as they are converging, and a person working in these areas needs expertise in both law and social work.

"For example, programs in the urban development and public service areas, such as housing development and rehabilitation, are expanding rapidly and persons involved in these areas should have expertise in both the law and in the underlying social problems with which these programs are concerned.

"...In addition, a person with training in both law and social work has both a sound understanding of the deprivations of the institutionalized and the poor and a knowledge of the legal devices which form a part of the basis for reducing these deprivations.

"...The joint program should be flexible enough to furnish suitable training for a student planning careers in any one of the above areas. A student participating in the joint program should have great freedom in establishing his own program, including the freedom to decide in which order to take the first year law curriculum and the first year social work curriculum."

## Law Day Plans Taking Shape

Arrangements are underway for the 1970 Law Day program, sponsored by the law school and January Inn, the local student bar association.

As in the past, the highlight of the program will be the Law Day Banquet at the Zodiac Room atop the Chase-Park Plaza Hotel on N. Kingshighway in St. Louis.

A guest speaker has not yet been selected for the event. United States Attorney General John N. Mitchell was asked to speak, but he has declined. Last year's speaker was Bernard G. Segal, current president of the American Bar Association.

The banquet will serve not only as a social function but as an opportunity to present honors and to note achievements within the student body.

Traditionally the new editorial boards of the Law Quarterly and Urban Law Annual are announced at the dinner, and the Board of Governors of January Inn for next year is presented. Scholastic and extra-curricular honors also are awarded. A bank will provide music for dancing after the ceremonies are completed.



# Klinger, Savage Join Presidential Race

Bulletin — Edward F. Klinger, a second-year student, threw his hat in the ring for January Inn president Tuesday afternoon, after most of the Advocate's

page had gone to press. (Ted Savage announced his candidacy for president too late to have a platform published).

Klinger admits his views on

the issues are similar to the other two candidates. He distinguishes his platform by emphasizing a closer working relationship with the faculty and more extra-curricular opportunities for legal work by students.

In addition Klinger said he eventually would like to see credit hours granted for legal work outside the school.

"I think people should vote not on the basis of personality but on how the winning candidate can carry on the projects begun by Bob Palmer," Klinger said.

"One of my aims is to overcome student apathy," Klinger said, explaining that this could be done by "continuing the Ad Hoc formula throughout the school year."

Klinger said that it was important to implement these goals. "Unless an active student leader is elected," Klinger has asserted, "the progress that January Inn has made this year could be eroded."

Despite his late start, Klinger plans a low-key campaign. "I'm willing to present my views, but I don't intend to buttonhole people or obtain votes by making innuendoes about the other candidates," Klinger said.

## Newsletter Established

The law school started off 1970 by mailing out copies of a newly established newsletter to the school's 2300 living alumni.

The four-page information sheet with items on recent and not-so-recent law graduates as well as a picture of the ground breaking for the new law building revives a form of communication between the school and its graduates that existed previously up to 1960.

Since then the school has not had a regular newsletter to alumni, although there was an alumni news column in the Old Writ, when it was a full-size law school newspaper in the early 1960's.

# Plans Underway For Teach-In

A student-organized "Environment and the Law" seminar, composed of some law students and post-graduates in other departments, is proceeding with plans to study the problems of environmental pollution with an eye toward possible legal action.

Organized by Rick Cass, Bob Palmer, and several others after some informal discussions following a talk by Washington University Ecologist Barry Commoner, the seminar group hopes to play a part in the university-wide environmental teach-in set for April 22-26.

The Washington U. teach-in is part of a nationwide program to rally college students, scientists and community leaders around the cause of saving the environment from the onslaught of air, water, noise, and architectural pollution, to name but a few.

The environment and law seminar group has agreed to hold special seminars for St. Louis lawyers during the week that the teach-in is going on.

However, this is only one task that the seminar group has undertaken. The ultimate goal of the seminar is to learn the law relating to pollution in order to discover what action would be appropriate to curb the ill-effects caused by pollutants in the St. Louis area.

To accomplish its goal, the group "will study relevant scientific material concerning the effects of pollution, will collect data concerning the

concentration of any given pollutant emitted from a given source, and will read relevant legislation and cases as well as pertinent periodical materials.

The seminar has received the endorsement of January Inn, the student bar association. The group currently is meeting once a week, and recruits for the project are still needed. Meetings usually are scheduled for 7 p.m. on Thursdays.

At the national level, the teach-in set for mid-April is an attempt to generate non-partisan activism around an issue that "more important than Viet Nam and not nearly so divisive." The national co-chairmen are Senator Gaylord Nelson (D-Wisconsin) and Congressman Peter McCloskey (R-California). A National Teach-in staff currently is operating in Washington, D.C.

Senator Nelson, an advocate in environmental causes during his entire career in public life, is one of the major spokesmen for the environmental cause in the Senate and has been active in matters ranging from protection of Everglades National Park to ending automobile air pollution by requiring a substitute for internal combustion engine.

Prior to entering Congress, Mr. McCloskey was a conservation attorney in California, attracting national attention on a citizen fight against Atomic Energy Commission power lines in the hills near San Francisco. In the House he serves on the conservation subcommittee and has sponsored a variety of environmental legislation.

## LEGAL PROBLEMS Continued

Missouri River bottoms. The project, planned for a 50-year period, has been attacked on ecological grounds by the Coalition for the Environment, an organization representing 33 conservation and environmental study groups in

the St. Louis area. Court authorities claim the program needed because the area has other large industrial sites in future development, but the coalition claims that large-scale industrial projects would wreck the ecology and environment of the area.

# Sanchez Presents Position in Election

Positions which I feel the next Board of Governors should take w/ regard to certain issues, and which I would attempt to implement if elected President of the Board.

1. Curriculum reform — more opportunities for individual study in seminar form, or under faculty control, in areas of relevant disciplines: poverty law, environmental law, criminal procedure (juvenile), and others. Also under this topic standardization of Legal Writing requirements; the present disparity in what each professor requires is absurd — some students have easy tasks w/ a minimum of work while others have extremely difficult assignments. I also favor making Legal Writing an extension of Legal Research in the Freshmen year with placement on one of the legal journals being determined by performance on one or more of the following assignments: an appellate brief, a memorandum, or possibly a case comment, such assignments to be uniform as to requirement and under Faculty control.
2. Library Rules reform — adoption by the faculty of the Library Study Committee proposals. There should be a library key for each member of the Law School student body, or alternatively a system whereby the library facilities are available to any of the students at any time.
3. Student involvement on

faculty committees, at least as to physical presence, to help alleviate some of the general distrust of the students by faculty and vice-versa; a problem with some students whose grade standing is in the lower half.

4. Scholarships — I believe that retention of scholarships after the first year should be a function of grades and need, not just grades.

5. Advisors — many of the problems of the freshman year could be lessened if the freshmen were assigned individually or in groups of 4 or 5 to meet periodically w/ members of the faculty and jointly iron out difficulties. This method of problem-solving would also remove much of the strain from faculty-student relations.

6. Establishment of placement service similar to that which the Engineering and other Graduate Schools have at the University. The biggest problems at the Law School stem from the lack of communication between the faculty and the student body. I feel that most activities of the Board of Governors, if not all, should be directed at reducing and eliminating this rift. Some of the above proposals are aimed at this problem, directly. All are tangential to the atmosphere of the Law School and the relationship between the students and faculty and the well being of the overall academic community.

# Ellis Offers Platform for President. Race

I am a candidate for President of January Inn. The following are some of the problems that I think must be solved, or at least acted upon, in the coming year and my proposed solutions.

## Scholarships

I am in favor of scholarships being awarded primarily on the basis of need and secondarily on the basis of academic standing. Furthermore, I am opposed to students automatically losing their scholarships because they do not finish in the upper third of their respective class.

At the present time, the criteria upon which scholarships are awarded are unclear. If elected president, I will establish a study group composed of students to review the feelings of the student body on this problem and to draft a specific proposal outlining the basis upon which the students believe that scholarships should be awarded. This report and proposal would be submitted to the faculty scholarships committee. I would then request that the faculty committee allow the students who worked on the proposal to meet with them so as to explain the proposal and to urge the faculty to adopt it.

I believe that it is necessary that this work be done during the present semester so that a new policy, if it is adopted, could be used in awarding scholarships for the coming year.

## Ad Hoc Committees

I think that one of the most important accomplishments of January Inn during the past year was the establishment of the Ad Hoc I committee. Although many of the proposals of this committee were rejected, it was successful to a limited extent in that it opened up a means of communication between faculty and students.

I will establish a permanent Ad Hoc committee to continually investigate student complaints and problem areas in the law school. This committee will make periodic reports to the Board of Governors, as well as specific proposals for change. Such proposals will be submitted to the faculty if they require faculty action.

Following the submission of any major policy proposal to the faculty, I would call an open meeting of the Ad Hoc II committee (which is composed of the Board and faculty members) so that the student body could voice their opinions on the proposition. Furthermore, any time a student proposal is rejected by a faculty vote, an Ad Hoc II open meeting should be held so that the faculty members could explain to the students why the proposal was rejected.

## Library

I endorse the library report of the January Inn library committee, which is

presently under consideration by the faculty. This committee was composed of John Birath, Ken Ingram, and Bill Struyk. I believe that their report was one of the best reasoned and most knowledgeable proposals made by a student committee. Their proposal would require a massive revision in library policy. It would provide equal access to the library for all students, which I consider to be the best and most equitable policy possible.

## Student Representation on Faculty Committees

For the past two years, January Inn has made numerous attempts to get students appointed to faculty committees. The present January Inn Constitution provides that two students should be appointed by the President of January Inn to fill positions on faculty committees, whether the faculty allows them to be members or not. I believe that we must renew our efforts to get representation on at least some of the faculty committees. I think that this is one of the few ways we can obtain the representation that we, as one of the three real parties in interest, should have in our law school education.

Grade and Curriculum Reform Here again January Inn has for some time advocated change. Interest diminishes among students after their first year in law school. Many

law schools have recognized this problem and have moved to meet it by establishing clinical programs. They have realized that there may be other methods of teaching the law that are just as good as the case book method. It is even more incumbent on our faculty to adopt such courses if the "Missouri Rule Relative to Legal Assistance by Law Students" is adopted by the Supreme Court of Missouri, and there is every reason to believe that it will be.

I would ask the permanent Ad Hoc committee to review these courses and come up with a specific proposal to establish a course of this nature. I would also put this matter to a vote of the student body so that the faculty would know exactly what percentage of the students are in favor of such courses.

## January Inn Research and Clinical programs

January Inn established a committee to research the area of Family Law in Missouri during the present year. The objective of this committee is to draft a proposed divorce code which would hopefully be supported by the Missouri Bar Association and would later be submitted to the Missouri General Assembly. Recently, and Environmental studies group has developed among the students and is receiving the support of January Inn. In addition, the

joint Law Student Division committee on current affairs (which is jointly staffed by some of our students at St. Louis University) is doing work in the same area.

These are mere indications of programs that January Inn can establish to meet the void left by the lack of clinical courses. The Law Student Division of the American Bar Association is now making available student bar association grants-in-aid to establish such programs and January Inn could certainly make use of these funds to become involved in this area more than in the past.

## Polls

I believe that, when time permits, major decisions of January Inn should be made by the student body rather than merely the Board of Governors. Therefore will poll the students means of elections on important January resolutions. If there is time to hold an election, the Board of Governors should take independent action, result of that action will be indicated to be that of Board of Governors and of January Inn as a whole.

I have been a member of Board of Governors for the past two years. I know many of the problems that January Inn faces and I think that I can use this experience and knowledge to good use as President of January Inn.



# Honor Council Is No Election Forum

by Dennis Wittman  
Editor

By assuming preliminary jurisdiction over the recent dispute in the election race for January Inn treasurer, the Honor Council enveloped a public matter — an election — in a veil of secrecy, since the council is bound by the honor code to operate that way.

We certainly appreciate the council's need for secrecy. We also appreciate that the two sources of the council's jurisdiction — the honor code and the January Inn constitution — are not the world's most lucid documents.

Thus, we are reluctant to label as erroneous judgment the council's decision that it had preliminary jurisdiction, at least, over Tom Story's complaint.

But at the risk of sounding like a Monday morning quarterback, we do assert that the council's action should not be followed as precedent in future election disputes. This is so because:

(1) The secrecy under which the council must operate prevents the student body from learning what it has a right to know — here, the outcome of an election. This can lead to rumor and speculation harmful to everyone.

(2) The subject matter before the council usually is private academic conduct, a serious situation for which there are heavy sanctions. Permitting the council to become a de facto election review board demeans its prestige if the dispute is petty, or creates a threat against a winner if a political race is bitterly contested. Apathy in student government is bad enough without that kind of deterrent.

To avoid delay as well as secrecy from interfering with future elections, the new Board of Governors should consider establishing a permanent elections committee. Such a panel could first draft comprehensive election rules and then administer them in all elections. We seem to have elections frequently enough to warrant a permanent committee.

In addition, the new governors should examine carefully the new honor code when the council finishes it to insure that jurisdiction is well defined. And the board might re-evaluate the January Inn constitution, since there seem to be many issues upon which it is silent.

This year, students have been quick to criticize the faculty for operating under what are believed to be hazy procedures and nebulous policies. The treasurer's election incident suggests that we should clarify our own policies before taking the faculty to task. Or at least we should do so at the same time.

## Hardisty Accepts Post At University Of Wash.

James H. Hardisty has accepted an offer to teach first-year criminal law as an assistant professor at the University of Washington, Seattle, next fall.

Mr. Hardisty will leave Washington University for the permanent post after serving one year here as assistant professor of law and social work.

Mr. Hardisty explains the move as simply an opportunity to teach a subject that he believes is personally important. In addition to criminal law, he'll teach a course either on juvenile delinquency or family law. He also probably will have a seminar.

The loss of Mr. Hardisty will reduce the faculty here to less than full strength once again. With his departure as well as the departure of Lewis R. Mills to the associate dean's post, there



Seattle Bound...



# The Advocate

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## Mills To Assume New Job As Associate Dean Of School

To provide more continuity in administration, the law school has chosen Professor Lewis R. Mills for the new post of associate dean, an office intended to upgrade and expand the assistant dean position.

Assistant Professor Michael M. Greenfield will turn over his part-time assistant dean duties to Mr. Mills, who additionally will assume some responsibilities now discharged by Dean Hiram H. Lesar.

Greenfield was named assistant dean last fall. He's the fifth faculty member in six years to hold the post. According to Mr. Mills, the turnover rate was detrimental to the formulation of consistent administrative policies, including functions in the law school office.

In his new position Mr. Mills will devote half his time to administration matters, whereas Mr. Greenfield had devoted a fourth of his time to such work while assistant dean.

Mr. Greenfield will assume a fulltime teaching load next fall, while Mr. Mills will no longer teach Business Associations I or Legal History. He will continue to teach Business Associations II and Securities Regulations.

Mr. Mills praised Mr. Greenfield for his work this year and emphasized that the change in no way reflected on the assistant dean. Mr. Mills said the

faculty simply has decided it would be better to have someone devote more time as well as relieve Dean Lesar of some of the administrative burdens.

Mr. Mills' responsibilities will include admissions, scholarships, placement, student relations, and counseling. He said that this will leave the dean free to devote more time to matters like fund-raising.

The appointment is for an indefinite time. However, Mr. Mills said this did not mean he was being groomed for the deanship here or anywhere else, although he revealed that he was contacted by the University of Maine last year during that school's search for a new law dean. Mr. Mills said he withdrew his name from consideration after the initial inquiry.

Although he denied that the creation of the new post was the result of student agitation this year, Mr. Mills admitted that this is a reason for trying to provide



Moving Up...

more continuity in administration.

As a result of the new post Mr. Mills will become chairman of the School's scholarship committee. As for counseling, he said that he wished to avoid interposing himself between the students and faculty members, but "I'll be there if a student can't find anybody else to talk to," he added. "If that doesn't satisfy the need for counseling services, we'll try something else," he said.

## Showalter Wins Disputed Race

Stu Showalter finally has won the hotly contested and much disputed race for treasurer of January Inn after two previous ballots had failed to produce a winner.

Showalter's victory completes

the Board of Governors for 1970-71. He'll join Joe Sanchez, president; Steve Banton, vice president; Mimi Webster, secretary; Bill Higbee, senior representative; and Rick Kahdeman, junior representative.

In the final runoff Showalter defeated freshman Tom Story, who previously had filed a complaint with the Honor Council against Peter Kuetzing and Paul Schroeder, two of the other three candidates in the five-man race initially.

On election day Story heard a rumor that Kuetzing, a second-year student, had induced Schroeder, a freshman, to run for treasurer to split the big freshman vote likely to go to Story as the otherwise lone freshman in a four-man race. As Story heard the tale, Kuetzing's inducement to Schroeder was some course outlines in exchange for Schroeder's candidacy.

Story said that he originally filed his complaint with the Honor Council without being sure it was the right place for the matter, but he did so in order to prevent the posting of voting results on election night. He explained that he was afraid his complaint would be viewed as "sour grapes" if he finished low in the results.

Two days after the first election, Kuetzing and Schroeder met with Story and explained that there had been no inducement of any sort for Schroeder's candidacy. Apparently they convinced Story that there was nothing to the rumor, because he agreed to withdraw his Honor Council complaint if they would make a public statement on the matter.

But by the time the three agreed to settle the matter, the Honor Council's investigatory procedures were underway, and since the council is obligated under the Honor Code to operate in secrecy, no one was willing to say anything.

The Honor Council appointed Michael Hanafan, managing editor of Law Quarterly, to make a preliminary investigation. Hanafan investigated the matter and apparently reported that there was no evidence of any wrongdoing to warrant further action by the council.

Story's initial complaint was filed on March 4 after the first election runoff. On March 13, the Honor Council notified Kuetzing and Schroeder that it was dropping the complaint. The text of the council's statement in disposition of the matter is printed elsewhere in this issue of the Advocate.



## The Advocate

Washington University  
School of Law  
Student Newspaper

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Editor

Dennis L. Wittman

## Buddy, Can You Lend Me 12¢?

We were dismayed earlier this semester when the price of coffee in Holmes Lounge jumped 50 percent to an inflationary 15 cents a cup.

Since then, the price has receded to 12 cents — still a 20 percent increase, but it was reassuring to know that prices can go down. However, we don't plan to show this price drop to President Nixon as conclusive evidence that the inflationary spiral has been stopped.

After all, about the same time the price of a cup of coffee dropped, the law school announced that tuition will go up by \$150 next fall.

We think that buying a 10-cent cup for 12 cents in Holmes Lounge is still a bargain, because it is served by human beings instead of impersonal vending machines. Thank the spirit of Wiley Rutledge that the University hasn't decided to economize by replacing the coffee venders in Holmes with a bunch of groaning, clunking, unpredictable machines.

We've always viewed suspiciously the hot brown water dispensed by the partially disabled mechanical monster in the law school basement lounge. Watch what it does to the varnish on a desk top the next time you spill some while fumbling with your notebook in T & E at 9 a.m. (assuming you can find a desk with a varnished top).

On the other hand, the ladies at Holmes are usually quite nice, and their coffee is much better. They've even been known to rebrew a pot on the rare occasion when the coffee turns out a bit rank. Try getting a vending machine to do that.

The only complaint with Holmes is that it's going to be hard to come up with an extra two cents every time we feel the need of a cup of coffee. Maybe a \$25 Joe Sanchez memorial coffee fund is the answer — to be awarded to all students who get an "S" in Legal Research.

We fear that when the law school moves to its new building in 1971, the bottom may drop out of the Holmes Lounge coffee business.

We think the law school could win support for the tuition increase and save Holmes lounge from a depression as well if some of the added revenue is diverted for construction of an underground tunnel between the new building and Holmes.

We envisage a long, straight tunnel — very plush, not like the dreary catacombs that now crisscross underneath the Main Quadrangle.

Our plan would have the tunnel stop about 20 feet below the big fireplace at the west end of Holmes. At that point law students (and even professors) could ride a glass-enclosed elevator that would come out right in the middle of the fireplace — kind of like the mythical Phoenix springing from the ashes.

What an entrance for all the celebrities of the law school. It might even make the Max Roby 10 o'clock news.

Actually the entire idea was presented by the school to a wealthy student in hopes he would contribute some money for the elevator shaft. But the plan fell through when the student transferred after hearing a nasty rumor. Before the building committee could get to him, the student heard he was "getting the shaft."

### Investigation Dropped

# Honor Council's Disposition Of Case Published

(The following is the complete statement by the Honor Council disposing of the complaint raised by freshman Tom Story in regard to the recent treasurer's election. Copies of the statement were released initially only to the parties actually involved in the matter. The Advocate obtained the council's findings.)

In regard to the alleged irregularity in the treasurer's election of Wednesday, March 5, 1970, the Honor Council, originally acting pursuant to the

complaint of that date and the amended complaint of the following date and subsequently continuing on its own initiative after that complaint was withdrawn, appointed an investigator to determine whether the complaint alleged facts sufficient to warrant conducting a proceeding under the Honor Code. The appointment of an investigator was done in the regular course of business by the Honor Council so that no Honor Council Representative would be prejudiced by having made a personal investigation in the

event that the investigation turned up facts sufficient to warrant bringing a proceeding under the Honor Code. Appointment of an investigator was a recognition by the Honor Council that the complaint was not frivolous on its face, but in no way foreclosed any arguments as to the jurisdiction of the Honor Council, the substantive offense involved, or the actual guilt of the two individuals named in the complaint. Assuming even questionable merit in the complaint, appointment of an investigator is the only action

the Honor Council can take without prejudicing one of its members and such was the effect of the appointment of an investigator in this case. The requirement of confidentiality, however much it may impede free investigation of the complaint and lead to rumor throughout the school, is the express right of the individual named in the complaint and may not be waived by the Honor Council.

It was the conclusion of the investigator, after having questioned the individuals involved, that there was an

inadequate basis to warrant bringing a proceeding under the Honor Code. Therefore, the Honor Council has determined not to conduct a hearing, but does not reach any questions of jurisdiction or of the substantive offense.

It was the conclusion of one member of the Honor Council that withdrawal of the complaint should result in a dismissal of the matter from further consideration, but the majority concluded that the Honor Council could investigate on its own initiative.

Investigation terminated.

# Letters To The Editor

## Faculty's Lack Of Concern

To the editor:

On December 12, 1969, the student body voted its approval of a proposal to allow the Honor Council to administer the number system in grading. The vote indicated a large student consensus for the proposal: 80 percent approval of those voting (121 out of 152) and about 50 percent of the entire student body.

On December 17, 1969, the faculty rejected this proposal with the following statement:

Implicit in the January Inn resolution concerning student governance of the anonymous grading system, and explicit in the December 15 letter [from President Palmer] forwarding that resolution to the faculty is the proposition that a thing

must be true when a sufficient number of people believe it is true.

That proposition is invalid as a matter of logic and the specific conclusion drawn from it is untenable as a matter of fact. Together the resolution and the letter show a lack of awareness of the nature of professional obligation.

I believe that the faculty statement, and the faculty's lack of action on this matter since that time, evidence a lack of concern in considering and responding seriously to legitimate problems in this law school.

One of the reasonable implications that can be drawn from the overwhelming student approval of the above-mentioned proposal is that students lack, for whatever reasons they may

have, confidence in the operation of the present office and faculty administered number system. In the light of the *Ad Hoc* meetings it would appear that students have some fear of unfair faculty subjectivity in their grading. I do not mean by this to say, nor do I believe, that this vote proves that there actually exists unfair faculty subjectivity in grading. I do believe that most students here feel that the faculty can be unfairly subjective in grading from time to time.

The faculty statement notes that the proposal and forwarding letter show "a lack of awareness of the nature of professional obligation." I believe, on the contrary, that in this particular matter the faculty has demonstrated its lack of awareness. Canon Nine of the newly promulgated ABA Code of Professional Responsibility states, "A lawyer should avoid even the appearance of impropriety." Whatever accuracy there is to student feeling is somewhat beside the point: the feeling or lack of confidence exists and poses a threat to the integrity of the teaching of law. As members of the legal profession, the faculty is under a duty to avoid any appearance of impropriety. In this situation, Cannon Nine would seem to put the faculty under an affirmative duty to eliminate even the appearance of subjectivity.

I do not mean to blame anyone for the present state of things at the law school. I would like to make two suggestions which I believe would engender greater student confidence in faculty fairness in grading:

1) I believe that some student lack of confidence in faculty objectivity may arise from the classroom conduct of certain faculty members. Faculty reconsideration and modification of their classroom procedures could go a long way in improving student confidence.

2) The faculty rejected the student proposal but made no counter-proposals. With newly elected student leaders, the faculty should consider reopening this question with new proposals and hence build toward a better, more workable law school for all its members.

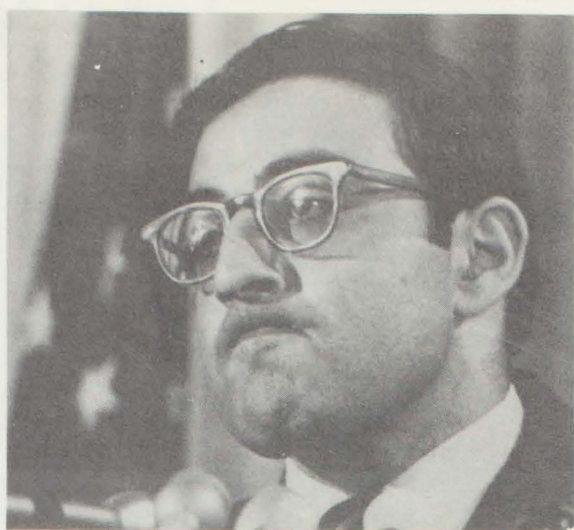
CARL LoPRESTI  
3rd-year Student

Kenneth Ingram  
3rd Year Student



# Panetta Says Nixon Paying Election Debt

by Arthur Smith  
(Special Contributor)



Leon E. Panetta

The Nixon Administration school integration strategy represents repayment of a campaign debt to Southern Republicans, a former government official charged Wednesday, and Southern school systems are capitalizing on that repayment.

Leon E. Panetta, ousted head of the Civil Rights Division of the Department of Health, Education and Welfare, spoke in the January Inn Courtroom March 25.

Panetta accused President Nixon of backing off from enforcement of the Civil Rights laws now on the book. He characterized this as a repayment of a debt owing to Sen. Strom Thurmond and other Southern Republicans as a result of the 1968 presidential campaign.

Southern school systems are getting the message, Panetta said, and are beginning to back off from integration plans previously developed. The reason of local residents to resist ordered integration in the South, S. C., recently, also stemmed from the new atmosphere being encouraged by the resident, he added.

Panetta reviewed Civil Rights Court decision in *Brown v. Board of Education* in 1954 and said that real progress had been made only recently. In 1954, he

mood," Panetta charged. Educational and moral arguments are not relevant where the mandate of Congress is clear, he said.

Reflecting on President Nixon's comprehensive statement on school integration, Panetta said he saw no chance of aggressive enforcement in the near future.

"There is no middle ground," he said. "The country is going to have to pay for taking the easy way out — separatism."

Panetta also talked about methods of enforcing desegregation, and said that bussing is one of the most effective tools available. Recalling his childhood experiences being bussed in California, Panetta suggested that present opposition to bussing is rooted not in concern for the child, but in disagreement with the ultimate aim of integration.

Other methods he talked about included relocation of the neighborhood schools, where there has been conscious segregation in their placement, and use of percentage equalization of all schools in a district.

less than one percent of the blacks in the south attended white schools; in 1964, the figure was just slightly over one percent. But by 1968 the figure was 20 percent, and in 1969 more than 40 percent of southern blacks attended school with whites.

The key to this progress was Title VI of the 1964 Civil Rights Act, Panetta claimed. This provision permits federal funds to be cut off from school systems which do not prepare and initiate satisfactory plans for school integration. Only about 100 schools were actually cut off from funds; thousands of others complied willingly.

Panetta said the Nixon Administration is acting in the belief that it represents the will of the majority of the country currently. But majority rule is not the question here, he declared. "Integration is not a social experiment; it's the law."

"The responsibility of the federal government is to enforce the law, regardless of the public

# Law Day Speaker Named: Lenzner

Terry Falk Lenzner, the director of the Office of Legal Services for O.E.O., will deliver the main address at the Washington University Law School's Law Day dinner on April 18.

Mr. Lenzner, 30, has served as head of legal services nationally for O.E.O. since early 1969. The following is a "Man in the News" sketch by Jack Rosenthal of the *New York Times*. The article originally appeared in the Aug. 29, 1969 *Times*, p. 15. It is reprinted here in entirety.

Advocate for the Poor  
Terry Falk Lenzner

The first time Terry Lenzner, son of a well-to-do Manhattan dentist, went to Mississippi, he was eyed with hostility. "The police stopped me and searched the car. I asked why and they said I'd been driving on the center line," a more likely explanation: He was on his first assignment as a Federal civil rights lawyer, helping investigate the killing of three civil rights workers in Neshoba County.

A few days ago, Mr. Lenzner went back to Mississippi. This time the State Attorney General greeted him at the airport and took him to see the Governor. He had come, again, as a Federal lawyer, but now it was as the youthful new head of the Federal legal services program for the poor. And he brought with him a \$50,000 emergency grant to help victims of Hurricane Camille overcome difficulties with property and insurance claims.

"The Governor called to ask for such a grant at 6 o'clock one night," says a colleague of Mr. Lenzner's. "Within six hours, Terry had pushed through the authorization. It was probably the fastest grant in the history of the Office of Economic Opportunity."

## The Largest Law Firm

The incident typifies the energy Mr. Lenzner brings to his job as chief of the O.E.O.'s Office of Legal Services. Since his appointment July 14, he has been senior partner of the largest law firm in the world—1,700 full-time lawyers in 850 neighborhood law offices serving, without charge, 600,000 clients.

So many restless young attorneys also can generate substantial fervor and heat, as was demonstrated this week. A colloquium of 100 poverty lawyers in Vail, Colo., ignited into protest against feared constriction of legal services. Mr. Lenzner, fresh back from Mississippi, flew to Vail to put out the fire.

Poverty lawyer evokes the image of a weepy type who agonizes over the plight of the poor. Not Mr. Lenzner, stocky, rumpled, 30-year-old former Harvard football captain. In the words of a former Justice Department colleague, "Terry doesn't get outraged in even the New Republic sense. He's not an oral bleeder. He demonstrates his commitment by working 20 hours a day in the area that the action is."

Terry Falk Lenzner, born in Manhattan Aug. 10, 1939, has spent all his adult-life near the action. He grew up in the affluent shelter of private schools, and was an excellent student and tenacious football player. At 14, he suffered a rheumatic fever attack so severe he still must take weekly medication, but struggled back to his guard's position and became football captain, at Exeter as well as Harvard.

On graduation from Harvard in 1964, he declined pro football opportunities to concentrate on Harvard Law School and public affairs.

"Interior line play is not conducive to being a

professional attorney," he says with a grin, raising his hefty forearm into the sternum of an imaginary opponent—and lifting up sharply.

After law school, he rejected a Fulbright grant to accept the Justice Department job. There he met his wife, the former Margaret Rood, then a research analyst. They were married June 29, 1968. They have no children.

John Doar, then Assistant Attorney General for Civil Rights, recalls that "Terry was hard to handle because he was so powerful—he came at you so hard. But he's also got leadership, a great sense of fun, and is a master at dealing with people."

In early 1967, seeking trial experience, Mr. Lenzner returned to New York as a Federal organized-crime prosecutor. He left after two fascinated years to assist Mr. Doar, then president of the city Board of Education. Last spring, he signed on as a temporary aide to Donald Rumsfeld, head of the Office of Economic Opportunity.

"There are six or eight of these determined, smart young fellows around," says one colleague, "but before long he was the chief aide, 'Terrible Terry,' sitting right outside Rumsfeld's door."

A month later, he went to head Legal Services. Mr. Rumsfeld's first appointment. The other smart young men have come to be admirers. One says of his fireman's mission to talk to the dissidents in Colorado:

"They were boiling for confrontation. But I'm convinced that by the end they'll be all for him."

## 'What You Do Best'

Mr. Lenzner sometimes displays an openness some take for lack of sophistication. Speaking of the poor he says, "I don't fully understand their outrage and helplessness. But I've seen it and I do understand when cities become inhuman to people. You have to respond—so you do what you do best."

"My answer is, I'm a lawyer. I've got a commitment to this country and its institutions. I like confrontation, but within the system. If the institutions of the system aren't responsive, there is a conflict between them and the people. If lawyers can't help resolve that conflict, the resolution will be extralegal. Our program can do something about that, within the system."

He looks well beyond traditional, client-by-client charity law. He hopes to accelerate law reform work—in welfare, housing, health, consumer fraud, municipal services. And he has stirred excitement among some poverty lawyers by his intention to advise Mr. Rumsfeld, in his Cabinet status, "not just on behalf of O.E.O., but on behalf of the poor—to be advocates for the poor inside the Government."

Why does a rich kid from New York want to spend long hours as a driving advocate for the poor? "Terry would never admit it," says John Doar, "but the answer is he's had a lot of the best opportunities this country has to offer. He wants to put something back."

# Bernstein Backs Neighborhood Schools In U. City Election

After some soul-searching, Associate Professor Neil N. Bernstein supports the neighborhood school concept as a candidate for a seat on the University City Board of Education.

Mr. Bernstein and John Boulakis, a St. Louis lawyer, are running as a team for the three-year seats open on the board. They are poised in the April 7 election by Keith Elkins, a member of the Washington University School of Education faculty, Jack Kirkland, a faculty member at St. Louis University, and Mrs. Marian Tyson, a St. Louis school teacher.

University City is one of St. Louis's older suburbs with a population of 55,000 — 20 percent black — and a school system in which 40 percent of children in elementary schools are black.

Due to housing patterns, the City system currently has de facto segregation problems which opponents of the neighborhood school concept can be eliminated by reorganization on basis of education centers. This would involve transferring children under some undetermined method and, probably, bussing.

Mr. Bernstein, a proponent of integration, is worried about the way students would be switched under reorganization as well as the end result of the change.

As Mr. Bernstein reads the figures, a change to the centers approach would trade de facto segregation for a consolidation into 10 elementary schools that in the near future would be 60 percent black — a figure that he believes likely would drive most white families out of U. City or their children into private schools. Thus, he sees pitfalls in the centers approach that could lead to worse racial imbalance than there is already.

The black families in University City are part of the emerging black middle class. They are young married couples with children. Black children represent 48 percent of the Negro population in University City, compared to a figure of 32 percent for white children to the white population in the community.

At present, of the 11 elementary schools in the U. City system, one is 90 percent black, and one is 99 percent white, two are 2/3 black, another is 90 percent white, and the rest are 20 to 50 percent black. If the neighborhood system continues without change, in two years there will be four schools composed totally or predominantly of

black children.

Mr. Bernstein said he agrees that some changes are necessary in the elementary schools and that he might feel better if he knew exactly how a student transfer would occur and what the effect might be.

He said that the adherents of the centers approach would like their program implemented by next fall, probably on the basis of a computerized assignment of children.

The computer probably would be programmed to create an elementary student "mix" that would be a balance of several socio-economic factors, not just race alone.

As an alternative between doing nothing and opting for a re-arrangement that he thinks is likely to tip the balance and thus drive whites out of the community, Mr. Bernstein suggests exchanges of classes between the schools at either end of the color spectrum. He also proposes an experimental school to assist in upgrading black children coming into the U. City system from the inner city as well as possible open enrollment and demonstration schools. The latter apparently would attempt to convince white families that schools with a substantial black population — up to 50 percent — need not decline in quality.



## Swihart Opposes Carswell For Court

Professor Dale Swihart has whittled down his opposition to the nomination of G. Harrold Carswell to the U. S. Supreme Court into one sharp, pointed sentence.

"His work as a judge—his craftsmanship— has been not 'just average' but poor," says Mr. Swihart, one of 300 lawyers who recently wrote to the Senate in opposition to the nomination by President Nixon.

"I base my opposition not particularly on Carswell's civil rights decisions but on investigations of his opinions in an area with which I feel I'm very familiar — tax law," Mr. Swihart said. He explained that Carswell's opinions in that field were "very bad."

As an example Mr. Swihart cited a Carswell opinion later reversed by Fifth Circuit Judge John M. Wisdom. "Carswell in effect said that if the income tax regulations say it's so, it is," Mr. Swihart noted. "It's one thing to apply a presumption in favor of an administrative agency's action, but it's another to deify it," Mr. Swihart said.

In another opinion Mr. Swihart said that Carswell's reasoning was so laced with mistakes that the other judges who heard the case required a

modification to be published.

**Mr. Swihart bluntly wonders whether Carswell is qualified for his present post on the United States Court of Appeals for the Fifth Circuit.**

On the key issue of Carswell's role in the transfer to private ownership of a public golf course scheduled for integration, the judge's denial that he knew the action was an attempt to continue segregation is, according to Mr. Swihart, "astonishing."

Mr. Swihart said that if the President must have a Southern judge on the court, there are far better choices than the one he made. "I wouldn't call the Carswell nomination an affront to other Southern judges, but it was another example of bad judgment and undercover work by Attorney General Mitchell," Mr. Swihart commented.



Excavation for new law building underway

According to Mr. Swihart, the President's apparent desire to install a conservative judge on the court is based on his personal judgment that the court ought to behave in an interpretive rather than creative manner. "In view of the President's background as a lawyer, his attitude toward the court reveals a strange lack of

understanding," Mr. Swihart said.

Mr. Swihart rejects the notion that the President should be able "to get who he wants for the job." If the President can exercise his beliefs on how the court should act, Mr. Swihart remarked, then the Senators of liberal convictions who must advise and consent to the

President's choice likewise should be permitted to reveal their philosophical attitude on the court's role.

"The President's belief that we need judges who support the old rules overlooks the fact that we must use our courts for legal reform and social change," Mr. Swihart said.

## State Of The Inn: Palmer Reviews "His Year"

by Robert G. Palmer  
(Outgoing president, January Inn)

In the October 11, 1969 *New Republic*, Ralph Nader lambasted the role of, and methods used in, contemporary law schools. He described the three-year professorial game of inculcating the reasoning power of a lawyer (more commonly, "thinking like a lawyer") into students' minds as "...a sophisticated form of mind control that trades off breadth of vision and factual inquiry for freedom to roam in an intellectual cage."

One month and two days later, on short notice and at 8:30 a.m., over two hundred members of our student body gathered to hear Nader talk and answer questions on legal education. Nader was there only by the efforts of leaders and members of January Inn.

Two hundred students turned out because they had seen in print or had heard of Nader's criticisms of the precise process they were experiencing. I would say without reservation that for even a speaker of Nader's caliber and fame it would have been most difficult to arouse the interest of half that many students by noon during academic 1968-69 — not to mention preceding years.

A lot has changed in the law school, and really quite rapidly.

Suddenly (after several years of forewarning by a very small majority), law schools are flooded with students accustomed to knowing the what and the why behind decisions affecting their education. They simply expect to be considered and consulted before these decisions are made, or, if already made, they expect to be listened to when legitimate dissent is expressed. Our law school experienced the latter anticipation when the better part of the freshman class seriously considered boycotting the newly formed Legal History course.

When Legal History was under fire, these freshmen turned to me, as president of January Inn, for aid and assistance. Most of them learned then and there that heretofore January Inn was no more than something on paper, namely, the catalogue. But, it was supposed to represent the entire student body in any matter. Specifically, January Inn was to be the collective agent for educational matters proposed to the faculty for consideration and possible implementation.

When I ran for office in the spring of 1969, I envisioned January Inn basically as a service, educational,

and social organization designed solely for the law student members. The collective representation of students, although of primary importance, was slighted necessarily because in the past, students failed to make proposals requiring such representation.

By mid-September, however, the Board of Governors was aware that the times had changed. Eighty and ninety percent of the entire student body (which includes graduate students) were voting on resolutions intended for faculty disposition. A collective voice was created in our law school.

Then in October, The ABA-AALS Visitation Team, composed of members who desired and respected the law students' perspective of their school, talked with a group of fifteen somewhat arbitrarily picked students about legal education at Washington University.

Very soon thereafter, so-called Ad Hoc I, under the auspices of January Inn, submitted a report of student concerns dealing with their legal education to a student-faculty body, which allegedly had functioned adequately for several years. Hence, the collective student voice was "institutionalized" in the law school.

Why are students not capable or qualified to participate in the decision-making processes of the law school? Why is there a clear lack of opportunity for some eighty percent of the student body to receive academic reward outside of regular courses? Why don't students enjoy law school? What is the objective of this law school? Students, speaking through January Inn, wanted to know the faculty thinking on these and other matters.

But, January Inn was not as successful in all its endeavors. As I see it, perhaps the greatest disappointments of the past year there continued to be lack of good placement procedures; the recurring failure to establish a workable legal aid program (even though Al Rose put forth a lot of effort) — including a legal services project on campus; the continued lack of promulgated building-use rules (although there was such a request to the faculty; and only nominal progress in establishing a formal student voice within the existing power structure. These are unfortunate failures.

Yet there are many signs of progress. January Inn presented an orientation program for the incoming law students that received praise both from faculty and students. It published a student newspaper of high quality, although the copies for distribution to "Alumni and friends"

still sit gathering dust.

Several worthwhile speakers and special programs were sponsored and will continue to be sponsored (thru April). Even the two social events came off on the successful side for a change. And, as indicated above, many students, far more than ever before, are participating in January Inn in one way or another.

The achievement last mentioned is by far the most significant and important to the future of the Inn. The best examples come from initial individual efforts. Joe Ellis undertook the formation of a committee to study (and possibly revise) Missouri law dealing with family relationships. Susan Glassberg ran (singlehandedly) the *Youth and Law* program through the Legal Aid Society. The Honor Council willingly accepted the major task of rewriting the Honor Code and Procedures. And, Rick Cass developed and recently institutionalized (with the help of Fred Huff, Barrett Braun and Susan Glassberg) an *Environment and Law Seminar* both in and out of the law school.

The other examples are laudatory both in exemplifying interest and in prospective results. Last fall, I negotiated with the respective *Law Quarterly* and *Urban Law Annual* editors alternative methods (although quite restricted in the case of *Quarterly*) by which students other than candidates could submit papers for possible publication. After Ad Hoc I, Barry Brown picked up the matter and submitted a paper to the proper faculty committees for consideration. If nothing else, these efforts pointed out that many similar journals around the country, particularly the so-called prestige schools (e.g., Harvard and University of Pennsylvania), have changed the time-honored ways for membership on law school publications. Apparently the faculty now is considering possible changes, which were reflected in these reports.

Also, January Inn formed a Library Committee to deal with what was considered by the students a mess. Although the report focused on the full spectrum of library operations, several of its recommendations dealt with the question of equal access to library materials and the building by all students, not the favored few. Their report, which was submitted to the Faculty Library Committee, has apparently spurred on some thought about this library's operations, not just the new one, which most of us

will not experience.

But perhaps the most persuasive indication of student interest in January Inn itself was demonstrated by the 21, yes, 21 candidates for the offices on the Board of Governors. Substantial student interest and concern are most important to the collective voice role of the Inn. This year the issue was defined and redefined as one of power politics. The students wanted (and still do) to know what was going on about that which affects them. On questions submitted, the faculty returned both favorable and unfavorable results, but with no reasons set forth.

Since an educational institution is political in nature, the promulgation of reasons underlying decisions is critical to the development of any rapport and confidence among participants. With little or no understanding of the reasons, we can only hope for a series of stand-offs, which will only aggravate an already strained situation. Legitimate student proposals should receive consideration on their merits, and should not be clouded by external standards of limited usefulness in such a process.

Faculty spokesmen often appear dismayed at all of the concern. They cite as exemplary of tangible student rights and responsibilities the fact that students administer their own honor system and, moreover, that the faculty has always agreed with every decision and remedy of the Honor Council.

Yet, practically in their next breath, we learn that students in fact have no authority with respect to the jurisdiction and remedial powers in the Honor Code because the whole system was created long before January Inn existed. The issue is still very clear and very present.

The motivation behind the so-called student activism this year is the desire for a quality education. We are concerned with our legal education, which of necessity, puts high priority on time and action. The need for re-evaluation of the success and future success of legal education seems particularly acute in a time when our society is undergoing severe attacks to the very legal bases on which it rests. It is safe to say, I think, that the student concerns already manifest, and many others yet to surface will not "just go away."

The success of January Inn next

year and thereafter will depend on the quality of leadership obtained. However, most important is the continued increase of students who are interested in their legal education and who are willing to demand a legitimate voice in the decision making. I urge you to use the Board to effectuate your ideas; persist in the progress already made.

In case I have no other opportunity, I would like to express my appreciation for the opportunity to serve in the capacity of president of January Inn. And, I would like to thank especially all those of you who have helped, counseled, and acted in support of that which we thought right.

### UPCOMING SPEAKERS

April 15: James W. Jeans speech from 11:00 to 12:00, luncheon and informal coffee hour at 4:00. Mr. Jeans is currently professor at the University of Mo. at Kansas City.

April 23: Environmental teach-in day—the classes have not officially been called off but students can come to hear and participate in the discussions, many of which will be in the law school, including the following speakers: John Danforth, David Pesonen, and Walter Nowotny.

April 25: American Trial Lawyers Association program of complete mock civil trial is tentatively planned. Estimated length of the program will be from 9:00 to 4:00 or 5:00.



# Grading Bias Stories Should Be Discounted

By Dennis L. Wittman  
(Editor)

What follows is not a summary of this year's achievements and failures. That sort of essay is best left to the more audacious prose of a laboratory of departing student body presidents.

But there is one matter that we hope can be disposed of with finality. Once and for all let's pronounce as dead and buried the notion that there are in this law school certain faculty members who permit a personal bias to influence their grading policies.

This has been a recurrent rumor and the topic of whispered debate not only at this law school but at many others throughout the country. Based upon events this year, the rumor should no longer be an issue between the faculty and students.

Hopefully it has withered away as many old infections do when exposed to fresh air and sunlight. The rumor certainly was exposed here. It was first brought out in the open last fall by the Ad Hoc I committee.

That committee's report prompted a January Inn resolution stating that a student-administered grade-by-number system be established. The faculty, shortly before the end of last semester, rejected the resolution as based upon faulty logic and unawareness of professional obligation.

Except for a letter-to-the-editor published in the March *Advocate*, the faculty and student leaders have remained silent on the matter.

Yet that silence has been misleading because apparently some faculty members took personally the criticism and attack upon the character that they inferred from the Ad Hoc I report and the January Inn resolution. In fact, some faculty members believed, at least until recently, that the *Advocate* has been irresponsible in not thoroughly investigating the possible basis for the grading-bias rumor and in not taking an editorial stand on the matter.

But what stand was available? Like others who discussed the matter last fall, we have known students who, on occasion, seem to believe that classmate X might be "courting a pair of fives" as the result of a temporary rift with professor Y.

However, as the faculty has pointed out, we have never known a student who has said explicitly that he personally believes the grading-bias stories.

And we agree with the faculty that no one has ever offered evidence upon which such a belief could be based. All that anyone can seem to demonstrate is that, based upon isolated incidents, some people seem to believe the rumor.

Since we should take a position, it will be as follows:

(1) There is *no* reason to believe that any faculty member of this law school ever has permitted a personal bias to affect his grading of any given student.

(2) If anyone has evidence to the contrary now or in the future, he should take the matter to the appropriate authorities — Dean Lesar and the president of January Inn.

(3) The gravity of repeating unfounded rumors of grading bias should be emphasized. The stories impugn the reputation of the faculty, undermine student confidence in instructors, and create the potential for friction in faculty-student relations.

(4) Unfounded rumors should be squelched. If there is good reason to believe that any story is true, it should be revealed to the appropriate people, not spread around the school.

It is regrettable that attacks upon faculty integrity have been inferred from the Ad Hoc I report and the January Inn resolution. We believe that the student authors of those documents never intended them to be attacks upon the faculty as a group or upon individual instructors. There is little doubt that the January Inn resolution was ill-advised, and the Ad Hoc I report certainly was poorly worded.

Yet some good may have come from the entire matter. By bringing a few students openly talking about the rumors and attempting to curtail them, the "silent majority" among the students may have been convinced that (1) people can talk freely in law school without fear of reprisal and that (2) the rumors indeed are unfounded. Since the end of last semester, the rumor mill seems to have stopped grinding out these stories.

More importantly, bringing the rumor matter out into the open may have been a harsh but effective way of convincing the faculty of the need for maintaining continually open lines of communication with students.

If nothing else, the matter has brought together certain faculty members and students into discussions with one another. Some of these discussions should have occurred long ago. But now they have occurred, and each group probably understands the position of the other more clearly than before. If so, then a lot has been accomplished this year.



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## Law School Considered for Indian Legal Services Program

Washington University's law school is one of eight under consideration by the Adlai Stevenson Institute of International Affairs as the location of a proposed "professional services program" for the American Indian.

The institute, a Chicago-based organization founded in 1967 to establish practical projects in the social sciences, currently is seeking about a half-million dollars to set up the program and operate it until it becomes self-sustaining.

Under the proposal the law school selected would provide office space, as well as research and clerical assistance, for a five-man legal staff handling test litigation and legislative reform on behalf of Indian tribes. In return for the school's contribution, the program lawyers would teach courses dealing with the legal problems of Indians.

The proposed program was developed by Joseph C. Muskrat, former assistant attorney-general of Oklahoma and now a Stevenson Institute fellow.

The functions of the professional services program would be to: (1) act as a national Indian legal services agency, (2) provide technical and professional consultation to Indian tribes, groups, and organizations, and (3) publish a newsletter for Indians and articles for the general public as part of an "informational outreach program."

A foundation grant would fund the program initially, but over a four-year period it would become partially self-sustaining by apparently charging fees for the cases undertaken.

As the detailed proposal indicates, there is a large body of law relating to Indians, but there are few lawyers with a specialized knowledge or practice in Indian legal problems. The proposal says that there are about 10,000 treaties, statutes, regulations, and "solicitors opinions" pertaining to Indians. Only the larger tribes retain counsel, and few have legal representation in Washington, where most decisions relating to Indians are made.

The program's legal services would be aimed at (1) litigation resulting in law reform on behalf of Indian groups, (2) legal research preparatory to statutory law reform, and (3) coordination of

(1) and (2) with existing legal services and community organizations directed toward Indians.

The underlying motivation for Mr. Muskrat's proposal is greater economic development for Indians. According to the proposal, the Indians' economic base has been continually dwindling because they don't have the legal expertise to protect their property, especially their once vast land holdings, from the onslaught of white society and its persistent economic and developmental expansion.

The proposal for the professional services program capped a two-year study of the contemporary American Indian and his problems by the Stevenson Institute. The institute noted that huge outlays by the federal government have failed to improve the Indians' lot and that arrest rates, alcoholism, and suicides are very much higher among Indians than within any other segment of the population.

The institute concluded that the cause of the Indians' problems isn't purely economic and that further federal assistance in the traditional manner would fail, as other schemes have.

According to the institute, "Mr. Muskrat is convinced that well-intentioned attempts at economic development... will fail in the future, as they have in the past, unless due recognition is given to Indians as a distinct cultural group who live as an extended family or on a tribal basis." Mr. Muskrat has urged programs that "would give Indians more control over their lives and land." Apparently he sees the proposed legal services program as a way of asserting that control.

The law school faculty and the Washington University administration have indicated their interest in the Stevenson Institute's proposal. There appears to be no definite information about when the site of the program will be chosen.

Washington University was selected as a possible site because of its central location in the middle of the United States to all Indian tribes. The other law schools under consideration are at the University of Chicago, UCLA, University of Colorado, University of Minnesota, University of Washington, University of Arizona, and the University of California at Davis.

## Curriculum Changes to Faculty

Several proposed changes in the law school curriculum will be submitted for consideration at the regular faculty meeting later this month.

If adopted, most of the changes could become effective in time for addition to next year's curriculum. The principal roadblock that might arise is a possible lack of manpower.

Professor Dale Swihart, chairman of the faculty curriculum committee, said that the following proposals are likely to go to the faculty for consideration:

(1) A new course dealing with the legal problems of protecting the environment from air, water, noise, and visual pollution. Other topics in the "environment and the law" spectrum also would be covered.

(2) A new course covering problems in consumer protection. This proposal was submitted by Assistant Professor Michael M. Greenfield. The course probably would explore in particular the consumer problems of the poor.

(3) A new freshman level course emphasizing statutory reading and interpretation as a

fundamental legal exercise. Assistant Professor Gary I. Boren has proposed this addition to the first-year program. The likely vehicle for in-depth statutory study is the internal revenue law and some of the income tax regulations. The course primarily would be offered to teach instruction in statutes in general and would not replace any upperclass courses in federal income taxation.

(4) A freshman-level writing program. This proposal is the result of a re-evaluation of the overall legal writing program offered by the law school. The re-evaluation is still going on, and the proposed freshman legal writing requirement is only the first of several changes that could be made. Barry Brown, a second-year student, is one person who suggested a first-year writing program when he wrote an informal paper last fall on the overall writing program.

(5) Professor Gray L. Dorsey has proposed that International Law I be expanded into a three-hour course so that international organizations can be covered.

(6) Frank W. Miller, James Carr Professor of Criminal Jurisprudence, has submitted changes in the way in which criminal law is taught in the first year. The changes probably would affect Mr. Miller's upperclass in criminal judicial administration.

(Continued Page 2, column 5)

## Dean Lesar Declines Comment on Report

Dean Hiram H. Lesar has rewarded comments on last fall's visitation team report to the appropriate ALS committee, but he has declined to disclose the contents of either the study or his comments, at least for now.

The dean said the report is all confidential and not final cause the committee which received it may change or reject as well as accept it.

The report has gone to the American Association of Law Schools accreditation committee, which will meet in

Washington, D.C., in mid-May in conjunction with the American Law Institute.

Dean Lesar was quick to emphasize that the law school's accreditation was not in question. He explained that the accreditation committee conducts the visitation program, which consists of law school inspections by teams selected on an ad hoc basis.

Last fall's visit, made at the dean's request, was conducted by Dean Robert B. Yegge of the University of Denver School of Law; Professor Edward A. Mearns, Jr., of the Northwestern University School of Law (recently named dean at the

University of Cincinnati); and Judge John W. Peck of the United States Court of Appeals for the Sixth Circuit in Cincinnati.

The visitors' report, known to contain some criticisms of the law school, has bounced around the country since it was prepared last fall. First it went to the former accreditation committee chairman Dean Louis A. Toepfer of Case-Western Reserve University Law School in Cleveland.

Dean Toepfer forwarded it to Dean Lesar, who added his comments and returned the report. In the interim, however, the chairmanship changed hands,

and the report apparently has gone on to the new chairman, Professor Gray Thoron of Cornell University.

Ultimately the report will go to the executive committee of the AALS.

Dean Lesar said he commented on the complimentary statements in the report but that he also indicated his disagreement with certain other statements.

"When the report is made final, I will tell the students about it," Dean Lesar said, adding that until then, he doesn't feel he is at liberty to discuss it.



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Editor

Dennis L. Wittman

### Apathy: Alive & Well?

Remember the halcyon days last fall when the law students here seemed to have broken the grip of apathy and began to question the faculty about "classroom relevancy" and "practical legal training."

If attendance at the recent environmental teach-in and the American Trial Lawyers Association mock trial is any indication, apathy is alive and well and living in January Hall.

To the handful of students who organized and participated in these programs, the absence of most of their classmates was very disheartening.

At times during environmental teach-in activities at the law school, there were no more than four or five law students present.

Not more than 50 students, less than 25 percent of the student body, showed up for the mock trial, despite repeated assertions by students this year that the law school offers no practical education opportunities.

In fairness to those who might now feel somewhat guilty about their absence, it is late in the semester with exams only days away, spring fever in the air, and the golf courses just begging to be divested of their grassy covering. Additionally, the featured speakers at the teach-in, especially David Pesonen, turned out to be a bit disappointing. And the mock trial unfortunately had to be held on a Saturday.

But these factors don't explain completely situations like the very meager turnout for Professor James W. Jeans's speech on "Environment & Law" problems a week before the teach-in. Only 19 people showed up for that talk by a man considered to be an authority in a field of growing concern to the legal community.

Unless all the talk about relevancy has been a smoke screen, there should have been a lot more students at all these events. Certainly the teach-in dealt with the kinds of timely topics that students last fall were urging the faculty to consider placing in the curriculum.

Perhaps law student activism and interest operate on a seasonal cycle. They seem to bloom in the autumn when the leaves are falling and the days grow colder, and they wilt in the spring when flowers are in bud and girl watching in the Quad gets down to the bare essentials.

If that's the case, we suggest that organizers of law students activities try to pack as many of their programs as possible into the fall and mid-winter months, before the spring thaw.

In the meantime we believe that an expression of gratitude is due people like Barrett Braun, who really worked hard to offer students a great program to be apathetic toward. Sue Glassberg likewise deserves a bit of thanks for long hours put in on several different projects.

Others who were willing to get involved and lend a helping hand to various programs this year were Fred Huff, Bob Palmer, John Birath, Joe Ellis, and several others. Finally, there was Rick Cass, who seems to be fighting a never-ending battle against sitting still.

By singling these people out for brief mention, we don't mean to slight everyone else who tried to make extra-curricular non-publication activities in the law school successful. It's just too bad there weren't more of them. If we could fill the courtroom at 8 a.m. for a talk by Ralph Nader, why couldn't we fill it the rest of the year?

### 1970-71 FROSH CLASS MAY REACH 130

If the current trend continues, next fall's freshman law class could run as high as 130 students, according to Dean Hiram H. Lesar.

As of April 25, the law school had received 97 confirmations in the form of the usual \$50

tuition deposit. Dean Lesar said that almost all those confirming indicated no problems with the draft, a factor that in recent years forced some would-be freshmen to withdraw before their enrollment.

Dean Lesar said that

## Dorsey Says Law Suit "Doing Well" (And So Is His Other Work)

Ask Professor Gray L. Dorsey how the \$7.7 million law suit against Washington University and Chancellor Thomas H. Eliot is going, and he'll tell you.

But in the next moment he'll start showing you articles and papers he's written recently. "I don't want anybody to think that all I'm doing is going around starting law suits," he'll explain.

According to Mr. Dorsey, who is serving as the attorney for the four students bringing the now famous class action on behalf of the entire student body, the summons to appear wasn't served on defendants until April 13, about two weeks after plaintiffs' complaint was filed. Defendants' answer is due sometime this week.

In the meantime Mr. Dorsey and others have been gathering evidence. Essentially, plaintiffs contend that the university and the chancellor deliberately failed to use all the power at their command to maintain campus peace and tranquility during the recent anti-ROTC demonstrations on campus.

In defendants' so doing, plaintiffs argue that their right to seek education in a calm environment was interfered with. Plaintiffs say this amounts to a violation of their civil rights under an 1871 act as well as a breach of contractual obligations assumed by the university.

Mr. Dorsey characterizes the suit as neither vindictive nor intended to raise a principle. "This is a preventive measure to stop repeated disruption of the campus," he said.

Recently Mr. Dorsey received an inquiry from University of Michigan students and faculty members interested in filing a similar suit. In a related matter, the Campus Tranquility Fund, Inc., a non-profit organization set up to provide financial support for the law suit here, now has about \$650 in contributions, mostly from alumni.

In response to a question about *Student Life's* not-so-veiled allegation that he wants to be "another S.I. Hayakawa," Mr. Dorsey said bluntly, "I sure don't want the chancellor's job. That's the trouble. The assumption is that no one does anything around here except for personal gain."

As for his other work, a petition for certiorari written by Mr. Dorsey on behalf of independent dairies bringing anti-trust litigation against the Kroger Co. grocery chain, has been incorporated into a report of hearings before the Senate Judiciary Committee.

The U.S. Supreme Court denied certiorari last term after the Eighth Circuit Court of Appeals had affirmed a district court dismissal of plaintiffs' action.

The suit arose after Kroger

began construction of a multi-million dollar milk processing plant. The independent dairies in the St. Louis trade area brought a class action claiming Kroger was in violation of section two of the Sherman Act.

According to Mr. Dorsey, the action was based on the argument that a company like Kroger could commit predatory acts without plaintiffs' proving any actual acquisition of competition or attempts to acquire monopoly power. Mr. Dorsey argued that unilateral action by Kroger on a large scale would amount to predatory action to corner the St. Louis area dairy products market.

The federal courts didn't buy the argument, apparently, but it evoked a memorandum by U.S. Solicitor General Erwin N. Griswold stating that section two could indeed be interpreted to permit an action like that of plaintiffs. Heretofore it had not been so interpreted.

Mr. Dorsey also has written a paper on the relationship between society's social and economic development and the development of law. The paper will be presented at the International Congress of Comparative Law meeting in Italy later this year. Mr. Dorsey additionally has written articles for publication in the 1970 volumes of *International Lawyer* and *Nomos XII*.

## Faculty Committee Issues Library Report, Recommendations

Last semester's library study committee, appointed by January Inn, submitted proposals that recently precipitated a report on library operations by the faculty library committee.

The faculty committee's report was adopted in a resolution that also praised the student study committee for its "diligence and concern in bringing the problems to the attention of the faculty."

The faculty library committee includes Professor David M. Becker, chairman; Assistant Professor James H. Hardisty; and Miss Jean Ashman, Librarian and a member of the faculty.

The student committee was headed by John Birath and included Ken Ingram and Bill Struyk. Their proposals were part of a 14-page report urging a

revamping of library procedures to alleviate problems involving circulation desk administration, book checkout processes, fines, and inability of students to gain access to materials taken out by faculty, Law Quarterly, and Urban Law Annual staff personnel.

The faculty library committee concluded that "it had not been given the responsibility to oversee the detailed operation of the library." The committee did not think it appropriate for the faculty to instruct a professional librarian and fellow faculty member on how the library should be managed.

The committee said it is appropriate and necessary for the faculty to initiate general policies on library operations and resolve specific problems only under special circumstances.

With that self-definition of its role, the Becker committee made the following recommendations in response to the student report:

(1) Promulgation of detailed library rules including explanation of borrowing privileges, prescription of appropriate conduct by users, a schedule of library hours, and delineation of special privileges given to certain students, like members of publications. The committee suggested that library rules be strictly enforced and incorporated into the honor code.

(2) Improvement of circulation records so that information about borrowed as well as overdue materials can be obtained quickly and accurately. As a supplement to the central circulation system, the committee suggested that the person in charge of any student group with extended privileges

be required to maintain a record of all books and material checked out to members of his organization.

More specific recommendations included:

(1) Continuation of extended special borrowing privileges for faculty, publication members, moot court team members and others.

(2) Continuation of circulation of new periodicals to the faculty before they are made available for general use.

(3) Extension of library hours when justified by actual student need and use. The committee urged that rules respecting dispensation of library keys, and the extension of after-hour privileges to key-holding students, be retained.

The faculty committee said it found the student group's report helpful and that it was appropriate for the January Inn library study committee to continue to present observations and proposals to the faculty.

### Curriculum Change

(Continued from Page 1)

Mr. Swihart said that considering the proposals committee has presumed there will be no faculty manpower shortages next fall.

Whether there will be a shortage is not yet clear. Assistant Professor James Hardisty has accepted a position at the University of Washington for next fall. Professor Lewis Mills will teach fewer hours next year because he will devote his time to new duties as associate dean.

Frederick K. Beutel will fill the vacancy left when Professor William C. Jones went on 18-month leave of absence in January. Kendall R. Meyer will be a new assistant professor, he fills a faculty position that had been open for two years.

## "Advocate's" Coverage Questioned

### To the Editor

I believe the March 31, 1970 issue of the *Advocate* presented a less than completely accurate account of the Honor Council's role in connection with the contested Treasurer's Election.

The Honor Council at no time made any decisions about election procedures. It did not stay the election nor did it make any determination about election rules. Its sole concern was to determine whether

conduct occurred which constituted a violation of the Honor Code.

It is my understanding that the complainant also filed, in addition to his complaint to the Honor Council, a complaint with the January Inn election committee, which body, along with the January Inn Board of Governors, did make decisions about staying the election and informing the school as to what had occurred in connection with

the election delay.

The *Advocate* failed to mention at all the role played by the January Inn election committee and Board of Governors and left the impression that it was the Honor Council that made such determinations. In this respect, the *Advocate's* news story and editorial were, I believe inaccurate.

Kenneth Ingram  
Honor Council Member



# Victory Party by New Inn Officers

by Mike Doster

The newly elected slate of January Inn officers inaugurated their administration with a beer, cheese, and wine party March 8 in the law student lounge. President Bob Ford of Postello, Idaho and Vice-President Jeremy Rose of Detroit, Michigan might have been celebrating their narrow victories.

Ford defeated Stephen Banton of St. Louis 99 to 93, garnering approximately 52% of the votes cast. Rose's margin was even smaller, 50.8%, as he defeated Frank Strzelec of Richmond Heights, Missouri by just three ballots, 92-89.

David Cohn of Lakewood, California and Marilyn Preble of Leesburg, Virginia were elected Secretary and Treasurer respectively. Both were unopposed. Richard Knutson of Waukegan, Wisconsin won the election to represent the third year class while Benhamin Edwards of University City will represent the second year class.

Rose described the March 8 party as an experiment to at-

tempt to bring the law students together in a congenial atmosphere. The event was well attended and Ford promised that similar events would help to "put a little humor in the law school."

The new administration has pledged itself to communicate the issues to the student body and involving students in their resolution through an expanded committee system. By bringing greater numbers of students and correspondingly, a wider representation of views together to deliberate the issues, the administration expects to arrive at compromise positions which can be supported by a majority of the student body.

The ultimate aim of the new slate of officers is to bring about unified support of policy positions by the student body in order to enhance the implementation of these policies. The prevalent theme of their campaign was implementation. In a pre-election speech, Rose stated that he believed nearly everyone was in accord as to



Vol. 2, No. 1

## The Advocate

The Student Newspaper

Washington University School Of Law

St. Louis, Mo. 63130

March, 1971

## New Law Building Now On Schedule

by William Berry

If the law library can be relocated and the classrooms furnished by September there is a good possibility that classes will be held in the new building this fall. Construction of the Seely G. Mudd Law Building has proceeded ahead of schedule due to the unusually mild winter enjoyed by St. Louis.

The incoming freshman class should find their surroundings less cramped than this year's class. 180 students are expected to enter in the fall, divided into three sections. With only sixty students in a section, the class of 1974 can expect more personalized attention in class than this year's class received. The entire law school enrollment is expected to remain between 450 and 500 as the transition is made from January Hall to the Mudd building.

The new courtroom is expected to see greater use than Room 110 of January Hall now enjoys. It is hoped that the Federal Court of Appeals from the Eighth Circuit will convene periodically in the new courtroom. Law school Dean Hiram Lesar stated that actual arrangements have not been made since the building is still under construction. The Illinois Supreme Court set the precedent for actual courts convening in law school courtrooms by holding sessions in the new University of Chicago law building. It is hoped that a similar practice may be instituted at Washington University.

In addition, conduit for a closed circuit television system is being installed in the new building. As soon as funds become available for the purchase of receivers and a camera law students will be able to watch trial proceedings from the Clayton Courthouse via the closed circuit television.

The administration of the School of Law is currently negotiating with the American Bar Association to open a National College of Defense Law at the new Mudd Law building. Modeled after the National Council of Judges, located in Reno, Nevada, the school would offer specialized training in criminal trial procedure on a non-degree, non-credit basis.

As the only college of its kind enrollments could be expected from practicing attorneys from throughout the United States. If Washington University receives the bid the opportunities for intensified student training within the classroom will be greatly increased.

## Law Student Assistance Rule Now In Effect

The Missouri Rule Relative to Legal Assistance by Law Students, adopted by the Missouri Supreme Court, last Fall went into effect on February 1, 1971. The Rule provides, in effect, that third year law students may, in a limited number of situations, represent indigents in any court or administrative tribunal within the state. Students are allowed to represent clients in civil or criminal matters provided they do not ask for, or receive, compensation from the client. In addition, if the case is such that there is either a statutory or constitutional right to counsel, a supervising lawyer must be personally present during all proceedings.

Although the Rule at first glance appears to be relatively simple, questions concerning its formal requirements have been raised. The Rule is rather ambiguous as to exactly what a student must do before appearing in court. It is clear that the dean of the law school must certify that the student is in good standing. It is also clear that the supervising lawyer and the client must certify that they have consented to the student's appearance, and that the student must certify that he has read, and is familiar with, Rule 4 (the Rules of Ethics) of the Missouri Rules of Court. However, it is unclear where these documents must be filed. Several Washington University students have interpreted the provisions in the following manner: The certification of the dean is filed with Mr. Marion Spicer, Clerk of the Missouri Supreme Court. The three other documents are then filed in the court record of the case involved. This means that the certifications of the supervising lawyer, client, and student must be prepared and filed of record in every case. The dean's certification is filed only once. The Rule also requires that the student's appearance be brought to the attention of the judge. Some students have suggested that this requirement can be used to create a rapport with the judge by filing a Motion for Appearance by Law Student, in which it is requested that the student be allowed to appear by leave of court. Although the Rule is not clear on this point, a careful reading suggests that the right to appear is not limited to situations where the judge approves. However, the humble student asking the judge to allow him to appear may create a favorable impression. Whether or not it achieves any secondary objectives, it does meet the notice requirement.

## You May Not Like It, But

## Auto Stickers - The Way It Is

Frank Strzelec

Several students have encountered difficulties with local officers regarding the purchase of municipal auto stickers. The problem is compounded by the requirement that a personal property tax receipt or waiver be presented when purchasing a municipal sticker.

Unfortunately there is no uniform policy among the municipalities concerning the purchase of auto stickers by out-of-state students. Nor is there any written policy regarding the issuance of a waiver or collection of personal property tax from students required to purchase municipal stickers.

Presently in the city of St. Louis the City Auto Sticker Of-

fice and the Personal Property Tax Office are of the opinion that only vehicles bearing Missouri state licenses are required to have a St. Louis city sticker. In the county each municipality must be consulted to determine whether or not a sticker must be obtained for each vehicle with out-of-state plates.

Professor Gary Boren has discovered at least one municipality that issues waivers to students, rather than requiring them to purchase their municipal sticker. Boren suggests that those students who are required to purchase municipal auto stickers record on their application lot the sticker both their out-state address and their local address in an effort to avoid difficulties

with the St. Louis County Personal Property Tax Department.

Woodrow Whittaker of that office stated that if personal property tax has been paid on a vehicle in another state and a receipt of payment obtained, a waiver will be issued to permit the purchase of the municipal sticker. Whittaker can be reached at VO-2400, ext. 44, and he is willing to aid those having problems in obtaining a receipt or a waiver. Another source revealed that students living in St. Louis County for the entire year would be expected to pay the County Personal Property Tax. The only exception to that rule is made for medical interns.

## The Advocate Revived

The administration of the law school was allocated sufficient funds for the publication of a regular school newspaper. As a result the format of last years paper has been readopted and three issues planned.

Since the election issue several students have offered their assistance in the publication of this paper. However there is still a need for additional writers.

It is the intention of this newspaper staff to publish as much material concerning activities affecting the law school and its students as time and space permits. Articles or suggested leads and comments are always welcome.

## Mock Trial At High School

On February 19 several students from the law school presented mock trial at the Lincoln High School. The case involved a collision between a bus and a private automobile. The Honorable Joseph Derque presided.

Gary Fleming, a counsel for plaintiff charged that defendant's bus was negligently driven. Kent Friedman played the bus driver.

Defendant's counsel,

Barry Brown, countered with an allegation that plaintiff's deceased was driving while intoxicated.

Mike Walker testified for the defense while Bill Dye and Ben Rich were called upon for testimony by the plaintiff. Doug Brockhouse played the role of bailiff.

The trial was conducted for the high school students under the auspices of January Inn and was coordinated by Steve Banton.



## Editorial

After a semester of quiescence, several students of the law school have banded together to seek reform. Influenced by the coming of an investigation committee and by the pressing need of solutions by the particular problems of the oversized first year class, freshmen students have organized committees to investigate various problem areas in the law school. The committees plan to offer potential solutions to several of the schools problems.

The modus operandi of these groups is to find the facts, review solutions attempted at other schools and then make recommendations. A great deal of work is being done by these students groups, and their efforts are certainly to be commended. There are however two aspects in this area which warrant comment.

Although the committees are open to all, they are staffed almost entirely by freshman. Any recommendations that are made will certainly affect all students. One should think students from other classes could participate in these inquiries. Such participation has not been forthcoming.

The most frequently voiced excuse is that upper classmen are afraid of faculty reprisals and therefore leave the "boatrocking" to the freshmen. This proposition not only doesn't make sense, but directly countervenes the conclusion arrived at by last years Advocate Editor Mr. Wittman who carefully examined the charge, found it had no basis in fact. We suspect it is merely the upper classmen's excuse for their apathy, laziness and lack of concern.

As a second matter there has been at least one incident of committee disruption. A small segment of one committee demanded a vote thereby pressing for a solution before all the facts had been determined. What followed was increased volubility and much name-calling, progress halted. It is hoped that such an incident will remain an isolated example of the kind of behavior which will frustrate rather than serve the purposes of these committees.

## Open Stacks

Everyone at this law school has at one time or another been plagued by the problem of being unable to find a volume which is missing and untraceable from the law school library. At times the missing volume will magically reappear at the end of a semester, although it will reappear after final exams, never before. More often, the volume is lost to posterity. For someone to obtain the services of this missing book, an inter-library loan must be effectuated with the St. Louis University law library, a project that is time consuming at best.

The problem is obvious enough, as is its cause—the ability of people to leave the law library with any volume they desire, whether or not it has been properly checked out. While Washington U. law students are supposedly governed by an honor system, it is nothing short of ludicrous to assume that no students here have ever committed such an act.

It is too late to effect such measures of book security at the present law library. But it is hoped that the administration, and particularly the library staff, will give some serious consideration to effectuating some more suitable means of book control at the new library. Such measures would be greatly appreciated by all.

## Washington University Sponsors LSD Proposal

A proposal for a district wide speakers program has been submitted for consideration at the Law School Division of the American Bar Association's Eighth District annual meeting.

The convention which meet at the University of Missouri-Kansas City on March 21 and 22, is held yearly to elect district officers for the next year and present a program of particular interest to law students.

The Washington University proposal, sponsored by Steve Banton and Bill von Glahn, is part of an overall program to broaden the impact of the LSD in this district. Basically the speakers program will provide lecturers who will visit every campus in the 8th district to deliver talks on the topic chosen for the following yearly convention. With the advent of such programs it is hoped that more interest can be generated of such programs it is hoped that more interest can be generated in the LSD. The LSD in turn will provide more and better service to the law schools of the 8th district.

## The Advocate

Washington University  
School of Law Student Newspaper

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Michael Doster, Frank Strzelec

## Environmental Law Course Now a Reality

by Frederic Huff

The Environmental Law Center, as it is called by friends and foes alike, now resident of the January Hall attic, is the result of the efforts of three students to combine a new course with some new approaches to the law.

The concept was the brain-child of Rick Cass, the interviewer having discovered him mulling it over at a meeting of a local ecology group, who started the whole program as an extracurricular seminar last spring. The group, composed at the time of half a dozen hard core environmentalists from the law school, and perhaps twelve more from the rest of the university community, spent Thursday evenings investigating the scope of environmental law, in search of its existence and breadth.

Perhaps the most significant contributions of that group were, first its presentation at the Earth Day program in April, and second in giving us something of a background from which to approach the formulation of technique to research a new course. As the end of the year approached, and the number of the faithful dropped to four then to three, plans were laid for a summer research program, whose main function would be to develop a casebook for use in the law school to teach environmental law. Professor Becht, long interested in the problems of environmental control, volunteered to teach the course if we could get one together for him.

Held in Mr. Becht's office, the problem was divided up.

Rick Cass, especially interested in air pollution and power plant pollution took on that aspect. Susan Glassberg, went to work on the rather perplexing problems of pesticides and insecticides, their effects, and methods of controlling their use. Fred Huff, took on water pollution and the problems of aircraft and industrial noise. Books floor to ceiling, the summer was spent reading. Cases were copied, discussed and sent to Mr. Becht, who spent the summer in Maine enjoying the environment. The decision was made to compile the book and try it out in a General Studies course in the fall. This would give us an opportunity to see how good a job we had done, and to teach the material with which we had now become so familiar.

Perhaps the most encouraging parts of the summer were the support we received from the faculty of the law school, who were most generous with their time and experience, and our brief day in court, which was really a meeting of the St. Louis County Planning Board.

Armed with our research, we were called upon by Environmental Response, a campus ecology group, Coalition for the Environment, and Committee for Environmental Information to help defeat a proposed zoning change in the north county which would permit the construction of an 18,000 acre project along the Missouri River from St. Charles to Weldon Springs. The meeting was fiery, as one

might expect, indeed a true case of the little guy taking on the big guy and the giant both, and the same time too. The result was somewhat startling, the little guy won. Our first major success.

As the summer ended, the book began to take shape in the form of a 1,000 page monster devoted to an in depth study of air, water, land and noise pollution. Numerous cases and articles trace and comment upon the development of a body of law to meet the growing need for environmental control.

The fall semester was devoted to a revision of parts of the text, under the direction of Mr. Becht, to tailor it to his needs, and in teaching General Studies 412, Environment and the Law. Kevin Shea, Scientific Director for CEI, agreed to teach, and became our scientific backbone.

There will undoubtedly be a need for carry on research next summer, and during the next year in order to keep the course up to date. The research involved is a golden opportunity for students to perfect their research ability and to make a potentially significant contribution to this growing field of law.

Frederick Huff  
12-30-70

## Law School Hockey

BULLETIN — The Upperclassmen defeated the Freshman Flashes, 8-7 on March 12.  
by William Berry

A new dynasty may have been established March 5 as the Freshman Flashes of January defeated a noticeable graying group of upperclassmen in an action packed hockey match at Clayton Shaw Park ice rink. The final score of 9-3 does not do justice to the actual play of the game, but the freshmen enjoyed a clear advantage.

Dave Lindgren led the scorers with four goals, followed closely by teammate Tom Bordman who collected the hat trick. Lindgren dazzled the upperclassmen's defense with his silver skating and magical stick handling. Bob Brown picked up two goals and Jim Strock fired one into the net to complete the freshmen scoring.

Lest all of this reflect back on upperclassman goals, Richard Platt it should be noted that he made many fine saves considering how much the game was played around his goal. After Platt shed the goaler's pads he played a fine game at wing for the upperclassmen. Top scorer for the losers was Steve Biesantz with two goals. Their last tally was put in by Professor Dave Becker, playing a hard hitting game for the elder side.

Becker's goal was the last slip by Flash goalie Ben Pika who stopped several other shots in warding off the upperclassmen's offensive threats.

As of this date, a challenge to the Business School has gone unanswered. And speculation grows as to the purpose of the long distance phone call made recently to Boston. Derek and Bobby... watch out!

## The Dean Answers

Editors Note:

Associate Dean Lewis R. Mills has consented to answer one question in each issue of the ADVOCATE. For this issue, Dean Mills has answered the question, how are the courses to be offered each semester selected?

Before a particular course can be offered, its inclusion in the curriculum must be authorized by the faculty. Quite often the faculty authorizes more courses than we have the manpower to teach. When this happens, the Dean selects the courses that are taught. He makes this selection through the exercise of his power to designate who teaches each course. Although this power rests with the Dean, he usually confers informally with the faculty before he exercises it. When he does not designate someone to teach a particular course, that course is not offered, even though it is part of the authorized curriculum.

The Dean's power of selection is limited to those courses authorized by the faculty. He cannot direct a professor to teach a course that the faculty has not approved. In this sense, then, control of and responsibility for the curriculum is vested in the faculty rather than the administration. In practice,

the faculty relies heavily on the recommendations of its Curriculum Committee.

In a formal sense, the role of the Curriculum Committee is purely advisory. Nevertheless, its advice is given great weight. The Committee presently consists of Professor Swihart, who is its chairman, and Professors Gerard and Meyer. In deciding whether or not to recommend the inclusion of a suggested course in the curriculum, they consider many factors. These factors include the relation of the suggested course to the presently authorized courses, the evaluation of the suggested course by those faculty members most familiar with its subject matter, the availability of suitable teaching materials and techniques, the needs for and priorities to be assigned to other courses, and the availability of faculty manpower.

A method of initiating curricular change is to submit a memorandum to the Curriculum Committee. Such a memorandum should include at least: (1) a description of the subject matter of the course; (2) a statement of the reasons why its inclusion in the curriculum would be desirable; and (3) a review of the available teaching materials.



# Four New Faculty Appointments Made

by William Berry

Four new appointments have been made to the law school faculty for next year, bringing the faculty total to 21.

Charles Haworth, 27, will join the faculty as Assistant Professor of Law. He received his B.A. degree from the University of Texas in 1965 and earned a J.D. in 1967 from the University of Texas School of Law. Following graduation, he served as Law Clerk to Judge John R. Brown of the United States Court of Appeals, the 5th Circuit. Since 1968, he has been an attorney for Coke & Coke in Dallas, Texas.

Two more practicing attorneys, Reed Johnston, Jr., 27, and James A. Jablonski, 28, will also join the permanent staff in September.

A graduate with an A.B. from the University of North Carolina in 1965, Mr. Johnston received his J.D. in 1968 from the School of Law of the University of North Carolina. Since his graduation, he has been an attorney for the U.S. Department of Justice in the Civil Division of the Appellate Section. Mr. Johnston is presently a Visiting Professor of Law at the University of North Carolina.

Mr. Jablonski, graduated from the University of Wisconsin with a B.B.A., 1965, and earned a J.D. in 1968. In 1967, he participated in a Field Research program for the Wisconsin State Corrections Institute. He has served as Law Clerk for Judge F. Ryan Duffy of the United States Court of Appeals of the 7th Circuit and has been an attorney for Pillsbury, Madison & Sutro, a San Francisco firm, since

1969.

The fourth appointee, Patrick J. Kelley, 27, graduated Valedictorian at the University of Notre Dame in 1965 with a B.A., and has completed graduate work at Stanford University. Since receiving his J.D. from the University of Iowa Law School in 1969, he has been an Attorney with Sidney & Austin in Chicago, Illinois.

All four are members of the Order of the Coif and each served on the Law Review staff of his school. Mr. Kelley was also editor-in-chief of the University of Iowa Law Review. All of the appointees are married.

Three of the new appointees, Johnston, Haworth and Kelley, will teach the new 3-hour Legal Writing course for the first year students. Juniors will be assigned professors for individual assignments in Legal Writing as was done this year.

The Legal Process course will be directed by Mr. Kelley. Torts will be instructed by Mr. Johnston. Mr. Haworth's second course will be Civil Procedure. Criminal Law and Family Law will be taught by Mr. Jablonski.

Dean Hiram Lesar has said that Professor Frederick Beutel, A Visiting Professor this year, will remain on the faculty for another year. Another Visiting Professor, Professor Ralph Fuchs will continue as a visiting member of the faculty through the fall semester of 1971. Dean Lesar also announced that another Visiting Professor will be hired to replace Professor Daniel R. Mandelker, who is on a leave of absence for the 1971-72 school year.

## 180 Expected

## Three Freshman Sections Planned for Next Year

The Law School hopes to have a Freshman Class of 180 students next year.

Eight hundred applications have already been received, as compared to 500 received at this time last year. Four hundred of these applicants will be admitted, and an expected 45 percent of them will actually register.

Dean Mills noted that the increase in applications at Washington University is greater than the projected national increase, and that the jump was prompted in part by a nationwide recruiting program conducted by WU during the past five or six years.

He indicated that the increase in applications will allow the school to be more selective in admissions. Such action will have several important effects.

Already, four new faculty have been hired.

The freshman class median grade point is expected to rise. This year's freshman class had a median grade point average of 1.75 on a 3.00 scale, whereas next year's beginning class predictably will have a median of 2.00 on the same scale. The LSAT median will probably remain at "just under 600," Mills said.

Larger classes will necessitate structural changes. There will be

three freshman sections of 60 students each. Second-year students will still have to manage with relatively large classes. Upperclassmen could avoid this situation by not taking classes in the usual order.

Curriculum changes are also planned. There is a proposal before the faculty to create a legal writing course to be taken in the freshman year. See faculty story. If established, this course would replace the second-year legal writing course now required and would eliminate one of the current freshman courses. One of the primary reasons for such a course would be the formation of smaller student groups which in turn, would allow students to develop and maintain closer contact with professors.

Dean Mills anticipates that next year's financial aid resources will not be "any more inadequate than they were this year."

There is a possibility that the new building will not be ready for use until November or December. Making use of the present facilities with a larger student body will present difficulties, but Dean Mills pointed out that smaller sections and newly installed speakers in the courtroom would provide better use of the old building.



# The Advocate

The Student Newspaper

Washington University School Of Law

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## An Advocate Exclusive

# LAW SCHOOL PROBLEMS AS SEEN BY BLACK LAW STUDENTS

EDITOR'S NOTE: Black law students were asked a few weeks ago to write an article for the Advocate regarding the problems of Black students in law school and concerning changes which they wished instituted. Since that time numerous developments have arisen. This article was written by Black law student Ben Edwards and represents, hopefully, a consensus of Black law student opinion with regard to their feelings about and demands toward the law school.

Washington University's Black Law Students' report

Prior to the 1970-71 academic year, the St. Louis Post-Dispatch published an editorial on the liberalized admissions policies of the Washington and St. Louis Universities' Law School toward Black students. To some extent, these changes were said to be substantial as they served to promote the public interest by meeting the needs of the changing times.

In some respects, the editorial's praise was merited. But the whole picture is incomplete. In failing to articulate first, the kinds of Black students who were to come to these two schools, second, the kinds of problems which they were to face upon arrival in St. Louis and third, the kinds of inhumane conditions, from an academic point of view, which they are forced to study under, then that editorial failed to tell the truth. Washington University has not provided justice for the sister and brothers of this law school.

Considering the fact that less than one percent of the nation's law students are Black, and that there is hardly more than one Black lawyer for every thirty-thousand Blacks, then it should be recognized by the competent and concerned public that the output of qualified Black lawyers is grossly inadequate to the need for them. Further, without Black lawyers, the constitutional prophecy of equal justice can never be more than an absurd hoax.

Far more than any other race of people in America, the Blacks contact with due process of law is in the form of judicial bigotry at all levels. Under such circumstances, the trend of the Black community is to combat this bias by developing an adequate supply of capable young men and women educated in legal technology.

Many of the universities across the nation, both in the North and South, have taken up the challenge by allowing more (and in some cases, the first) Black students to become a part of their highly formalized communities. Washington University, the "little Harvard of the Midwest", is one of these legal institutions which has so committed itself to these goals.

But to what extent has it done so?

In admitting Black students into the ranks and files of its 1970-71 freshman class, the Law School took unprecedented action. Eleven of its approximately two-hundred first year students were Black. It later became ten when one brother was forced out because of financial difficulties. However, unlike their white counterparts who enter law school with fifty per cent chance of passing their first year, Black students are penalized from the start. The average brother or sister, who is supposed to have come from a somewhat inferior ghetto environment, where Justice and "the Man" are one and the same, and who might have failed to make above a five hundred score on an acculturated LSAT, and whose parents lacked the financial ability to provide him with a legal education (not to mention four years of undergraduate school) were afforded only a ten per cent chance of completing the first year.

In conjunction with the psychological burden, inadequate housing and pressing financial situations have forced many of the Black law students to re-live the past-which inhibited their abilities to concentrate upon the many assignments placed before them in their high school and undergraduate education. Some of the Black students who need their extra time for studying must spend it working a part-time job in order to meet expenses. While the same problem might face some of the less fortunate whites, it is one of unique and particular character to the few Black students who are already in law school and to those who might be interested in attending in the future.

In failing to give the particular problems of the Black law students the attention which they deserve, the Law School, the University and the community as a whole are forestalling social unity. The question is how can the number of qualified Black lawyers be increased to meet the vital demands of the Black community when the very system that the Black students are supposed to be counteracting is being used to defeat their purpose?

The few Black students at this Law School are, in some senses, pioneers. They must aid the University in laying foundations for admitting an increased number of Blacks, upon those terms which will be most acceptable to both parties. Yet, this must not be done at the expense of the Black student, who can least bear the burden. Given an halfway decent chance, Black students can climb the highest ladders to a successful career in law. Nevertheless, they are not supermen, and are not infallible. The things that they want are those which any concerned student wants: a good school to attend, a good education, and a decent chance for those who are to follow them.

In attempting to convey the essence of their situation to the Law School administration and to the Chancellor's office, the Black students feel that something less than a serious effort to deal with the situation has been made by these two very important elements of the academic community. In the Chancellor's office, it seems that a yo-yo game is going on between the in-coming Danforth and out-going Eliot over where the real burden and necessary power lie to really deal with the problems raised by the Black students before next semester.

Most Black law students felt that when the evaluating committee came to the Law School, these problems were whitewashed by the administration. One student heard that a faculty member had questioned the ability of the Blacks to handle the academic materials. It was suggested that the Blacks' problems could be ignored because there was a good chance that many of them would not be returning next year. This remark was made when two of the neine first year grades had been released. Under the American system of justice, a man is presumed innocent until otherwise proven guilty by an abundance of evidence. However, when it came time to put that concept into practice the workings of justice suddenly seemed to break down into irrationality. "Judicial backlash" went into operation, and the Black students were academically tried and convicted, in the presence of the evaluation committee, with less than one-fourth of the necessary evidence.

Irrationality must not prevail.

The Black law students are firm in their demands for equality at Washington University Law School. They shall continue to stand firm until there is serious action by this "socially concerned" institution.



# Black Questions

The Black law students at Washington University have a number of demands which merit serious consideration by both the students and the administration of the school. However, there are many questions remaining as to the effects of these demands upon various aspects of the law school.

First, what effect will lowering the admission requirements for entering Black law students have upon the quality of the law school? Do the Black demands mean that otherwise qualified whites might be rejected on the basis of twenty percent ratio that the Black students favor?

There are also questions surrounding the financial aid provisions of the Black demands. Are these funds to come from a special fund only for Black law students? What about indigent white applicants? Should the thrust of the Black demands not be aimed at helping financially poor students, regardless of race?

There is no doubt that the current ratio of Black law students is too low. The statistic that only three Blacks have graduated from this law school since 1919 seems unbelievable, yet that too has been claimed. Obviously immediate measures are necessary to rectify this situation.

The Advocate suggests that there is not yet enough information available on which all law students might form an intelligent opinion about what the best remedies are to the problem. This is not to say that this should be used as an excuse. The Advocate supports the Administration's decision to recruit qualified Blacks for the upcoming school year. But there are questions remaining in the minds of many which should be resolved. Hopefully the Black students will answer these so that a just adjudication of the problem can be made.

**EDITORIAL**

## Formation of MOPAC

The advent of MOPAC, the Missouri Public Action Council, formed through the hard work of certain law students here, seems to be an excellent way for law students to serve the community. However, advance publicity concerning this organization has left some questions unanswered. Where is the money to come from? Under those auspices is the group formed? Who will control MOPAC? What plans of succession have been drawn for its continuing leadership?

Once these questions are answered, as best they can be at this stage of planning, MOPAC seems certain to go on to make a relevant contribution to the law school, the academic community, and the surrounding community.

**EDITORIAL**

## January Inn's Budget

Now that the end of the year approaches, many students have been heard to muse, "Whatever happened to the \$12.50 I gave to January Inn seven months ago?" This brought up the following proposal. January Inn should publish at the beginning of each school year, a tentative budget. This would not necessarily have to be adhered to as the year went on, but it would give some students some idea of what their money was to be used for.

By the same token, there should be an end of year accounting of January Inn's funds. Why this has not been done in the past (if in fact it has not) is a mystery. Surely there are enough accounting majors in the law school to undertake even a sketchy, relatively undetailed accounting.

The new Inn administration has shown the students where some of the money was in the two after class parties which were held earlier. (We hope such parties will be continued in the future!) But since the money is not mandatory, the students who have paid (theoretically all law students) have the right to see where the rest of the money went. The Advocate hopes that the new January Inn administration will take these proposals to heart and institute them as soon as possible.

### The Advocate

Washington University  
School of Law Student Newspaper

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FIVE TO RECEIVE LL.M.

## 51 To Graduate June 4; Eliot To Speak

Forty-six students will receive their Juris Doctor degree and five their Legum Magistri degree at commencement exercise to be held June 4. Retiring Washington University Chancellor Thomas Eliot will be the main speaker at the exercise.

Following is a list of the graduates:

### JURIS DOCTORIS

John Floyd Birath, Jr.,  
Donald Richard Bird,  
James Roger Black,  
Nicholas Barrett Braun,  
James William Bremer,  
Barry Allan Brown,  
Frederick Garlington Cass,  
Terry Bruce Crouppen,  
Orion Lorenzo Douglass,

Joseph Martin Ellis,  
Frank Raphael Fabbri III,  
Eugene Henry Fahrenkrog, Jr.,  
Gary Wayne Fleming,  
Anne Elizabeth Forry,  
Susan Spiegel Glassberg,  
Michael Sidney Goodman,  
Jean Constance Hamilton,  
John Joseph Hess,  
Glenn William Higbee,  
Ernest Ronald Hill,  
Charles Himeles,  
Frederick Huff,  
Edward Franklin Klinger,  
Peter Martin Kuetzing,  
Edward Jay Lieberman,  
Michael Sidney Maram,  
Gregg Ross Narber,  
George Leonard Parker,  
Richard Platt, Jr.,  
Carl Conrad Polster,  
Joseph Simeon Sanchez,

Theodore James Savage,  
Don Robert Sherman,  
John Stuart Showalter,  
Arthur Lee Smith,  
Marlin Donald Smith,  
Diane Alexander Sugden,  
Barry Michael Tatel,  
Taylor Rankin Terry,  
Albert Gayle Tindall,  
John Alan Treptow,  
James Alford Tulley,  
Jeffrey Clay Vaughan,  
Mary Emily Webster,  
Christopher Lee Williams,  
Dennis Lee Wittman,

### LEGUM MAGISTRI

Frank Simrall Bangs, Jr.,  
Robert Bruce Coffin,  
Robert Vernon Smyth II,  
Robert Lewis Weise,  
Donald Lawrence Feinstein,

## Law Students Organize Public Action Council

by Mike Doster

With the passage of the Mopac proposal by the Student Union 27 for, 1 against, 2 abstentions, a referendum will be held within two weeks. The student body will then decide whether or not to approve the voluntary assessment of two dollars per semester which is the means of financing the Mopac program. The so-called "tax" is voluntary in the sense that students may elect to receive a refund, although it will be collected from all students as part of the incidental fees.

Mopac of Missouri Public Action Council will concern itself with consumer protection, environmental quality, racial and sexual discrimination, landlord-tenant relations, delivery of health care, and other areas affecting the welfare of the people of Missouri. By harnessing the academic and professional resources of the academic community, Mopac will endeavor to identify, research, and evaluate problems of public interest and seek their solutions through dissemination of information to the public and, where necessary, resort to appropriate institutions of government.

Freshmen law student, Mark Kruger, together with Attorney Richard Baron and Tom

McCarthy of St. Louis University Law School, originated Mopac. Other freshmen, Dana Contratto, Dawne (sp. ?) McDevitt, Diane Taylor, and Alana Grob, are among those who have been laying the groundwork. David Agnew put Mopac in touch with a similar organization in Minnesota and as a result Mopac is being organized along the same lines.

The people currently involved in the program hope to have a city-wide operation by next January, and they foresee statewide operations beginning as early as next spring. Correspondingly, they stress the need for increased involvement on the part of interested Washington University law students. While optimistic about the referendum, they nevertheless feel that large scale support from the law student body will be necessary. Other items on the agenda include election of a board of directors next September and selection of another name for the organization. The change is necessary since "Mopac" is also used by Missouri Pacific Lines. For further information about Mopac students can obtain copies of a pamphlet from one of the people named above or read the one posted on the January Inn Bulletin Board.

## LAW DAY DINNER REPLACED

by Bill Berry

Bob Ford, president of January Inn, and Dean Hiram Lesar have announced that the traditional Law Day dinner-dance held at the Chase Park Hotel will be replaced by a more economical and less formal ceremony this year.

The ceremony is designed to honor the new Coif electees and to present the certificates to the Law Review and Urban Law Review candidates. In the past few years it has included a dinner and a formal dance for all of the law students, their wives, husbands or dates and the faculty and their wives. A guest speaker followed the dinner. The cost has been shared by January Inn and the law school, with a small fee being paid by each student for his or her guest.

Ford stated that the Board of Governors discussed the proposal for a similar activity this year and voted to join the faculty in planning a different recognition ceremony. He said that the proposal requested January Inn contribute \$1500 of its annual budget of \$2600 to help finance the affair. The Board decided to use the money for activities that would benefit a greater number of the student body. Members of the board did not think the percentage of students that have attended in the past years warranted the expenditure this year.

Both Ford and Dean Lesar have stated that an honor ceremony will be held on May 1. Suggested activities include an honors dinner; a special ceremony in the court room followed by a reception in the law lounge; or an outdoor presentation with a picnic to follow.

A Law Day speaker will not be presented this year due to the time factor. Further details will be announced later.

## Phi Delta Phi Initiation

On Friday, April 30, Phi Delta Phi will be conducting an initiation of law students into the fraternity. The initiation caps off a year of activities which included speaker dinners, a Christmas party, and a Cardinal's baseball game.

At the present time the fraternity is planning to have six dinners next year and a variety of other activities.

## DELTA THETA PHI INITIATES 22

Benton Senate of Delta Theta Phi Law Fraternity, under the leadership of this year's officers: Dean Bud Tindall, Vice Dean Pete Kuetzing, Tribune Mark Ruttger III, Master of the Ritual Rick Cass, Master of the Roll Barrett Braun and Bailiff Doug White, has attempted to supplement the first semester of the academic year with activities relevant to practice and legal education.

The formal rush program consisted of two pledge parties the first week of school and culminated in the pledge initiation held in the downtown courtroom of the Honorable John Regan, United States District Court. After the ceremony, this year's pledge class adjourned to Shakeys for an informal get-together. The rush program for the 1970-71 school year concluded when the pledge class, consisting of Seniors Dick Bird, Gary Fleming, Junior Dennis Taylor; Freshmen Dave Agnew, Dave Cohn, Joe Derque, Rich Doerr, Gary Fulghum, Del Goldenhersh, Ed Holmes, Mike Hulsen, Al Jackson, Bernie Klippel, Maso Klippel, Jack Meler, Joe Miller, Al Nettles, Jay Newquist, John Rubin, Randy Schneider, Steve Silets, and Bob Suelmann became active members last Friday night.

Pledges, actives and alumni of Benton Senate recently attended a dinner at the Cupboard in Clayton which featured a speech by Judge Harry James of St. Louis, followed by a question and answer period. Judge James discussed problems confronting a trial judge in the appointment and remuneration of lawyers who defend indigents and the handling of disruptive tactics by a defendant and his counsel.

Another dinner program tentatively scheduled for December.



## MEETS IN KANSAS CITY

The annual 8th Circuit Convention of the Law Student Division of the ABA was held March 25-27 in Kansas City. There were delegates present from nine law schools from within the 8th circuit, including Wash. U. representatives David Agnew and Mark Kruger. The three day affair focused on Law and its Relation to Urban Problems. Various programs, speakers, and discussions were presented to acquaint the delegates with the problems facing urban communities and how the legal system can offer solutions. Sample topics included: landlord-tenant problems, low vs. high income housing priorities, urban blight, pollution, population, and diversity of local jurisdictions. Among the speakers were Arthur Naftelin, former mayor of Minneapolis, and Robert Docking, Governor of Kansas. At the business meeting held on Saturday, March 27th, a new circuit governor was elected. He is Dennis Titus, of the University of South Dakota Law School. Titus succeeds Adrienne Gottlieb of the University of Missouri at Kansas City Law School. The Assembly also adopted two resolutions. The first, submitted by the University of Minnesota Law School, called for recreation of an 8th circuit Public Interest Council, and Mark Kruger was named to be its initial chairman. According to the resolution, the purpose of the council will be to encourage the formation of public interest research groups, such as the Minnesota Public Interest Research Group and Missouri Public Action Council throughout the 8th Circuit States, and to provide a means for communication among such groups. Also passed was a resolution, submitted by the Wash. U. delegation, which was drafted in response to current political developments. The measure provides the 8th Circuit LSA-ABA with the opportunity to take a public position on matters of contemporary concern. A third resolution proposing the creation of the 8th Circuit speaker's bureau, also drafted at W.U., was tabled until the fall meeting of the circuit representatives.

The general consensus of the convention was that during the upcoming year the 8th Circuit will become more involved in current problems which confront the legal profession and American Society as well. Titus, in his acceptance speech, noted that the circuit must become more involved in current social problems if it is to continue to be a viable addition to the law students experience. To this end he has begun work on several proposals which will be presented at the fall meeting.

The following is the Wash. U. Resolution:

## Resolution No. 1

Submitted By the Washington University Delegation.

WHEREAS: Recent actions by Federal, state, and local law enforcement agencies have demonstrated a blatant disregard for the elementary political rights of social reformers, minority groups, and the antiwar movement, and

WHEREAS: Such actions are inconsistent with and abhorrent to basic concepts of Democracy, political freedom, and the legal process, and

WHEREAS: The persecution of any political minority is a potential threat to the freedom of all elements of society, and

WHEREAS: Law students as members of the legal community have the moral and professional obligation to protest and reject such tyranny and repression.

THEREFORE: Be it resolved that eight circuit LSD-ABA calls for an immediate end to such unlawful harassment and persecution, and

THEREFORE: Be it resolved that the eight circuit LSD-ABA calls for an immediate end to such unlawful harassment and persecution, and

BE IT FURTHER RESOLVED, That the eighth circuit LSD-ABA calls on the entire legal profession to come to the immediate aid and defense of such persecuted groups.

## LAW WIVES INFORMATION

by Candy Doster

Law Wives is an organization of wives of Washington University Law School students. There is no other requisite for membership. Law wives become members simply by attending the monthly meetings held on the third Wednesday of each month in the Law School lounge. Dues are \$2.00 per year.

Programs follow the business meetings, and this year have included self-defense for women, and police techniques.

Three smaller clubs exist within Law Wives. There is a bridge club and crafts club for wives only, and Gourmet club for members and husbands.

The goal of Law Wives this year has been to raise money to furnish the lounge in the new Law School building. Fund-raising activities held this year include a Christmas bazaar and a wine tasting party.

For more information regarding Law Wives contact: Ellen Friedman.

## Evaluation Committee Visits, Meets with Students and Faculty

by Dennis L. Wittman  
Contributing Editor

The blue-ribbon committee appointed by Chancellor Thomas H. Eliot and the Washington University trustees to evaluate the law school apparently formed two key impressions on its visit here in late March.

First, the eleven committee members said they were "very impressed" by the law students they met and that the students "came across as a very concerned, constructive group."

Second, the committee apparently was quite impressed with the new law school building due to be finished by the end of 1971. Some committee members felt that the new building, if used to its full potential, should go far toward easing "student discontent over their legal education."

At the end of their visit, the committee members met to discuss the parameters of their report and, among other things, asked Chancellor Eliot about their mandate. Specifically, they wanted to know whether they should consider themselves a continuing committee established to evaluate the law school over a long time-period of whether they were a "one-shot" group.

As one committee member noted, if the committee is of a continuing nature, its first report would be far different from a report based solely on the two-day March visit. There has been no word yet whether the chancellor and trustees have decided to continue the committee's activities beyond a one-time report.

The committee's impressions of the students were formed over three different meetings with representatives of the student body. On the first day of the visit, the committee received copies of the evaluation of the law school and its teaching policies, compiled by a group of first-year students this year.

The visiting committee then met with a cross-section of students at a luncheon and general discussion session that lasted about 90 minutes. On the second day of their visit, the committee met with black students to discuss problems specifically related to black students in the law school.

At the luncheon session, students discussed specific problems such as the need for a more comprehensive placement program, clinical education, changes in classroom and legal teaching techniques, and other topics.

When asked to compare the chancellor's committee to a visiting committee from the American Association of Law Schools that inspected the law school last year, one committee member noted that the two committees were "completely different in their orientation and the scope of their concerns."

The committee member pointed out that the AALS committee had visited the law school at the request of Dean Hiram H. Lesar and submitted its report to the AALS along with comments by Dean Lesar. The chancellor's

committee originated solely with the chancellor and the board of trustees and will make its report only to them. It will be for the chancellor to decide to whom the committee report will be released.

One committee member said that if his experience with other law schools was any indication, "at the moment we (the committee) leave, the rumors will begin to fly around here about we were up to." He made it clear that the committee would make no "dramatic or drastic" recommendations and that bizarre rumors as to its purposes should be spiked. Nevertheless, he termed as "interesting and likely to have some surprises" the report the committee probably will submit to Chancellor Eliot.

Some notes of interest on the members of the visiting committee follow:

Paul Freund, professor of law at Harvard, "de facto" committee chairman; also a member of the W.U. Board of Trustees.

Clark Clifford, member of Law School class of 1928, Washington, D.C., lawyer, former United States Secretary of Defense; also a member of the W.U. Board of Trustees.

Robert H. McRoberts, member of law school class of 1919, partner in the St. Louis firm of Bryan, Cave, McPheeters, and McRoberts; vice-chairman of the W.U. Board of Trustees.

Whitney R. Harris, St. Louis lawyer, graduate of the University of California, Berkeley, former faculty member at Southern Methodist University, on the staff for the prosecution at Nuremberg; son-in-law of Eugene A. Freund, who is a substantial contributor to the new law school and the individual for whom the new law school library will be named.

Christian B. Peper, member of law school class of 1935, member of the firm of Peper, Martin, Jensen, Maichel, and Hetlage, former lecturer at the law school; also a classical scholar.

Kenneth S. Teasdale, member of law school class of 1961, St. Louis lawyer, nephew of Senator J. William Fulbright; former counsel to the U.S. Senate Democratic Policy Committee.

Jack Garden, member of the law school class of 1938 (he ranked first), former Clayton insurance executive who retired to California; admitted to the California Bar and maintains an office there.

Walter Rawls, member of the law school class of 1958, Jacksonville, Fla., lawyer, described by Dean Lesar as a "good friend of the law school."

D.L. Gunnels, member of the law school class of 1960, former editor-in-chief of the *Law Quarterly*, former law clerk for U.S. Supreme Court Justice Whittaker and later for Justice White; now a member of the largest law firm in Chicago, Kirkland, Ellis, Hodson, Chaffetz, and Masters.

Thomas Ehrlich, professor of law at Stanford, due to become Dean of the Stanford Law School on July 1.

Victor G. Rosenblum, professor of law at Northwestern University; former president of Reed College, Portland, Oregon.

## Black Students Meet with Administration

A meeting of the Black Law students, the Law School administration, and the University administration was held in Dean Lesar's office on the afternoon of April 23. Representatives from each group were present apparently to discuss misunderstandings that existed.

The Law School administration explained what had been done to meet the demands of the law students. Representatives of the Black law students said they were aware of the efforts being made, that improvement was "slight", but that their real problems were not being handled at all.

The most important problem for the Black students is financial assistance, and while tuition relief has been guaranteed for up to fifteen Black students, no headway has been made on the demand for a yearly stipend.

From the lack of progress that was noted in this area, the students feel that the University community and the Law School have failed to get together to attempt a solution. Such failure has resulted in a frustration of the Black Students' attempts. Among those meeting with the Black students were Dean Hiram Lesar, Assistant Dean Lewis Mills, and faculty members Dale Swihart and Jules Gerard.

## LSAW Scores Administration

Law Students Against The War (LSAW), a national coalition of students from over 60 law schools across the country, recently charged that the Nixon Administration is purposely violating both the letter and the spirit of the Church-Cooper Amendment.

These charges, accompanied by a petition urging the adoption of McGovern's Vietnam Disengagement Act (all troops out of Vietnam by December 31, 1971) and calling for immediate and open hearings on the rapidly escalating war which now encompasses all of Southeast Asia, are being distributed in law schools and universities throughout the nation.

The students are attempting, through peaceful means, to persuade the Congress to demand an accounting of the President's actions.

In a statement released on January 30th, the LSAW said: "We can no longer put our trust in a President whose actions belie his words. On April 30, 1970, the President stated that there will be no United States air or logistic support. He also stated that there will be no U.S. advisors with Cambodian units. And yet, we see a situation vastly different than that which we are told to believe."

In view of what the LSAW calls "the bad faith and affrontery exhibited by the Administration and the military," it issued a call for "urgent and open Senate hearings to audit and make public the full extent of American involvement in Southeast Asia."



# A BRIEF CASE STUDY

By David Detjen

In contrast to the well publicized demands for reform heard recently during the January Inn elections and in the course of the meetings of the freshman committees, several changes in scheduling and policy have been effected with little or no fanfare. With this report we intend to examine the manner by which these changes were effected and to discuss how students may take advantage of these processes of change.

## "Three Alternations"

The first change, a rescheduling of freshman exams for the spring semester, developed from a luncheon meeting between January Inn officers and the members of the Faculty Committee on Student Relations, composed of Dean Lesar, Associate Dean Mills, and Prof. Greenfield. At that meeting, Elizabeth Levine, the freshman representative, voiced freshman objections to the exam schedule which already had been adopted. Mills was receptive later to the idea of using a referendum to ascertain the will of the freshman class on the matter. The results of that vote were taken to the faculty for consideration, which left the matter of accepting or rejecting the proposal formulated by the referendum to the discretion of the professors teaching the freshman classes. Since these teachers had no objections, the schedule was subsequently changed.

The second change, the restructuring of the school year calendar, first became widely known with the distribution of the new law school admissions bulletin. The suggestion for such a revision had been floating around for several years, but the impetus came this year when the Arts and Sciences Colleges authorized similar drastic revisions in their schedules. That left the law school faculty with the task of deciding how far they wished to follow the leader. Mills queried five or six professors in advance to learn their views and then prepared several model proposals for consideration in a faculty meeting. A hybrid of two proposals was found acceptable to a majority of the faculty and was passed. In this case as in most matters, the majority of the faculty has the last word, with no further administrative approval required for the change to go into effect.

The third change, a revision of the criterion for good academic standing at the end of the freshman year, made its initial appearance as a small typewritten note on the announcement board. The proposal apparently originated within the faculty itself, prompted by a concern that the members of this year's freshman class might have more difficulty than usual adjusting to the practices and thinking of the law school due to the large size of the class. Not surprisingly, there was appreciable opposition within the faculty to the change, with the teachers of the freshman courses in both camps. Nevertheless, the majority of the faculty was willing to adopt the proposal, and the cryptic notice on the bulletin board appeared accordingly.

## "What all this means"

Each of the three incidents sketched above illustrates a different channel by which change occurs in the law school. The freshman exam schedule proposal was initiated by a student, reviewed by the faculty, and approved by the affected

teachers. In an extemporaneous fashion, the idea was informally approved. The second change, concerning the revision of the school calendar, was organized by a teacher-administrator who gathered ideas for presentation in a relatively formal manner to the faculty. The final change, the alteration of the academic good standing criterion sprang up from among the faculty members themselves in response to the situation of a freshman class in new, unusual, and disadvantageous circumstances.

There is no doubt that when it comes to change, or any other matter, the faculty calls the shots. Clearly they are the policy making and decision making body of the school; yet, in this group there is a remarkable lack of unanimity. Those students who see the faculty as a wonderfully flexible and responsible institution are warned to take into account the braking and limiting effect of the more traditionally minded opposition in the faculty. On the other hand, those who see the faculty as being too rigid are advised to take into account the "progressive" element of the faculty. In fact, the three examples described above illustrate that the majority of the teachers is willing to accept change at least some of the time. Moreover, the changes described above are not as insignificant as they may appear, for each carries considerable philosophical baggage.

In short, anyone who attempts to see the faculty as a monolithic unit in its role as policy-maker against a monolithic front of powerless students has an inaccurate impression. There are few concerns upon which all faculty members agree. Any attempt to describe the faculty as being of one opinion on an issue is likely to be as incorrect as the suggestion that all students think alike.

## "Where the Student Fits In"

There appear to be three ways that a student might bring a proposal to the attention of the faculty. The most informal and easy-going procedure is to present the idea to a teacher and let him represent the proposal before his fellow professors if he finds merit in it. It is probably no great problem to find a teacher sympathetic to a suggestion, considering the great diversity of attitudes and philosophies found among the faculty members. A second technique is to write a letter to the dean proposing the idea with a short statement outlining the reasons favoring the proposal. Such a maneuver is more formal and will probably result in the suggestion being considered in a more structured manner. An example of this more formalized procedure might be a referral to a faculty committee for evaluation. Yet a third channel for introducing ideas to the faculty is through January Inn, which could present to the faculty a student committee report on the idea adopted by the Inn. Obviously this is the most formal procedure and would certainly result in a review of the report by the faculty with some kind of attendant decision, although not necessarily acceptance.

The nature of an idea may determine the degree of formality required to get it before the faculty for consideration. An obvious example is the freshman exam schedule proposal, a sound

idea which required little effort and few complications to review. On the other hand, a student proposal to revise the school's calendar year would have required more extensive discussion and evaluation more practicably carried out in a structured format.

## "The Current Situation"

In closing, it is best that we point out that much of what has been said in the previous section is theoretical, for students have shown disappointingly little interest in communicating ideas for progressive change to the faculty. For example, the student suggestions to the faculty library committee last year were the first such student proposals to that committee in years. Moreover, the committee is willing to review further proposals to provide better library service, but there have been none forthcoming.

It is a contradiction that students show little interest in communicating their ideas to the faculty through established channels while at the same time voicing frustration over the faculty's alleged unwillingness to accept student proposals. One can hardly in good faith plan a popular front to make "demands" for change to the faculty to overcome its inertia when one has not yet properly proposed such changes to see if they actually will not be evaluated and accepted by current methods of petition. There is little ground for charging the faculty with rigid and illogical traditionalism when one has little evidence that the faculty would indeed rigidly and illogically reject student proposals.

Our interviews to date with various law school figures reveals an apparent willingness on the part of the faculty to sincerely hear and examine student suggestions and to decide upon such proposals in good faith. The three changes discussed earlier reveal to at least some degree a faculty willingness to accept change. The students first step should be to try to use the channels of petition now open to them.

# Law School Reform

BY Ralph Nader \*

In all the discussion recently at law schools about grading and curricular reform and student participation in faculty and administration decisions, it appears that one highly significant proposal could be adopted forthwith. I refer to the establishment of a year-long course given by students for the benefit of the faculty.

The case for such a course is compelling and the mechanics of conducting it fairly simple. Students have a great deal to convey to the faculty — their legal experience in clinical work, a greater sense of the urgencies of the times that are straining the legal system, their frequently greater familiarity with new techniques or bodies of knowledge of relevance to developing legal systems and their considered critiques of formal course work that makes up the law school's teaching pattern. There is substantial evidence that many professors are developing a keen appreciation that law students have much to teach as well as to learn. This recognition is bound to increase as law students, organized in investigating teams, begin producing first-rate empirical studies of legal institutions. But even for those members of the faculty who can resist the obvious, a student course for the faculty can be justified as a steady feedback process that is bound to enrich the professor's response to his classes.

Once the principle of a student course is accepted, the mechanics could be worked out to maximize participation and efficiency. Law schools have always been good at mechanics. By way of suggestion, a steering committee of students, chosen by their peers, could organize the course, content, decide whether to inflict an "eye for an eye" and adopt the Socratic method or develop another less time-consuming procedure, determine the kinds of demonstrative evidence to be utilized, the field trips to be taken and the spinoff benefits to be conveyed to other law schools and in journals of legal education. I am sure that many exciting innovations and benefits can be derived once such a course is adopted.

What the faculty may be realizing is that the breakdown in the last few years of its presumed or actual arrogance toward the students — whether ingrained or merely a teaching technique — is a wonderful experience. The rewards reaped are increasing displays of foresight — a quality of which the law schools in the past could rarely be accused — and a greater infusion of empirical and normative content in course and extracurricular work.

Some ground rules for such a course would obtain near unanimous support. There should be no grading and no compulsory attendance. I expect that the newspaper would welcome reactions and suggestions relating to such a proposal. Let us hear them.

\*Editor's Note: Reprinted by permission of Public Interest Research Group, Washington, D.C.

## Letters to the Advocate

(Received after our first issue)



# Faculty approves student committees

Student committees will be formed by Christmas to create "a formal avenue of communication with the faculty", according to Law School Dean Hiram Lesar.

Lesar said a resolution passed by the faculty last Wednesday authorizes the formation of student committees on curriculum, rules, admissions and scholarships, library, moot court, and student relations. The committees will parallel already existing faculty committees on the same subjects and provide committees on the same subjects and provide "in-put and feedback" for decisions to be made by the faculty.

The resolution stated the purposes of the new committees were twofold: "to increase the sense of community within the Law School" and "to improve the quality of the decisions that are made".

The student committees will have no voting power under the resolution as passed. The resolution stated that the differences of "experience, responsibility and continuity" between faculty and students "justify, indeed virtually demand, that ultimate control over the course of the law school rest in the hands of the faculty".

Lesar said he would "rather promptly" appoint a committee of five students, as he is empowered to do by the resolution, which will select the members of the parallel committees. The Dean said the selection committee would be comprised of students "who represent various viewpoints within the school". He noted that there would "probably" be at least one student from each class on the selection committee. He expected a Black student would also be appointed.

The selection committee, once named, will review applications from students who wish to join any of the four-member parallel committees. Applicants need only be "in good standing", according to Lesar, to qualify.

When the parallel committees will be picked is up to the selection committee, Lesar said, but the Dean hopes to see them begin actual meetings before the end of first semester.

While six parallel committees will be formed, there are five existing faculty committees which will have no counterparts. They are: budget (which meets briefly once a year), continuing legal education (which Lesar said does very little),

graduate work, publications Law Quarterly and Urban Annual), and visual aids (a new committee just formed as the result of a student proposal).

The complete text of the faculty resolution follows.

The student report suggests that students be given a role in the decision-making process for two reasons: it would tend to increase the sense of community within the law school, and it would tend to improve the quality of the decisions that are made. The committee agrees that students do have a legitimate role in decision-making and that the student role properly consists primarily of in-put and feed-back, not of actual decision-making. Obviously, there are differences between students and faculty, perhaps the most important of which concern experience, responsibility and continuity. These differences justify, indeed virtually demand, that ultimate control over the course of the law school rest in the hands of the faculty.

The committee believes that a system of student committees parallel to certain faculty committees is the best way for the students to exercise their role. The parallel committee structure may well achieve the dual objectives of promoting a sense of community and contributing to the quality of decisions. Under a system of parallel committees, the ultimate power to make decisions affecting the quality of legal education at Washington University would remain with the faculty.

Nevertheless, that system would provide another channel of communication between students and faculty, a channel that would be regular and, to some extent, formal. It would provide a readily available vehicle for the

presentation to the faculty of student proposals, and it would provide a readily available means for the faculty to ascertain student opinion on those matters on which the faculty desired it. The existence of this channel of communication also would minimize the danger that considerations perceived to be important by students would be overlooked or casually dismissed by the faculty.

The committee therefore recommends the adoption of a system of student committees parallel to the faculty committees on curriculum, admissions and scholarships, rules, library, moot court, and student relations. In addition, the committee believes it would be helpful if there existed a committee that the dean could consult, if the thought consultation desirable, before taking action on such matters as the school calendar, examination schedule, or course schedule. The committee does not recommend authorization of student committees parallel to the remaining faculty committees, because those other committees meet infrequently or are entrusted with matters not appropriate for student in-put.

Each student committee would have four members, including at least one member of each of the classes in school. Each member would have to be in good standing.

Selection of committee members would be made by a committee of five students, to be appointed by the dean. The selection committee would solicit written applications from those students interested in serving on the parallel committees. It would then select the four members of each student committee and would name one of them to be the chairman.

(cont. on P. 6)

## the advocate



Vol IV No. 1

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6 Pages

### Three Black students re-admitted

## Summer controversy still not settled

### ABLS alleges 'insensitivity'

In September of 1970, eleven Black students were admitted into the freshman class of Washington University Law School. One left during the year for financial reasons. The ten remaining, nine men and one woman, took final examinations in May, and then went home to prepare for second year.

Then came July.

Six Black students were told that they had failed. The Association of Black Law Students, according to its president, Sylvester Brooks, decided to act.

The Association compiled data of the grades received by the students who had failed and sent this information to numerous civic organizations, including the NAACP, CORE, ACTION, Congressman William Clay, the Urban League, the Association of American Law Schools, and the National Bar Association.

Each organization was asked by the ABLS to voice its concern about the failure of the six students to the Law School.

"Before, we had kept whatever we were doing within the University," said Brooks, "and it had been fruitless. We knew we had to go to the community-at-large if we wanted to get results from the school."

Brooks went to see W.U. Chancellor Danforth, who, according to Brooks, "refused to get involved". Danforth told Brooks that the academic standing of a student was a question for the Law School to decide.

The ABLS called a meeting for late July with Danforth and



Sylvester: "I have lost almost all respect. . ."

Associate Dean Lewis Mills of the Law School. More than sixty community leaders were also invited to the meeting, held in the January Hall courtroom.

Brooks said the purpose of the meeting was to "expose the bad faith and insensitivity of Washington University Law School in its dealings with Black students". The ABLS also demanded the reinstatement of all six students who had failed.

Mills, who did not know that anyone other than students would be present at the meeting, was reluctant to hold it when he discovered a large audience, including newsmen, in the courtroom. The meeting was held, however, and Mills was "interrogated" by Scott Neville, an

(cont. on P. 4)

### Mills claims 'fair dealing'

"We have dealt fairly with the Black students, and we have every intention of continuing to deal with them that way," says Lewis Mills, Associate Dean of the Law School.

Mills returned from vacation July 13 and discovered that, with one course grade still outstanding, several first-year Black students were in academic trouble. He contacted them to suggested a meeting to discuss their problems one week later. The students requested a one-week postponement, "never indicating that anyone besides students would be present", according to Mills.

He was "surprised" when he arrived at the meeting to find more than fifty people present. Both he and W. U. Chancellor Danforth were "reluctant to meet publicly without any advance notice", Mills said, but the meeting was agreed to. During the meeting, Mills said he answered questions about the Law School's policies, particularly grading.

Mills said he was asked by the Association of Black Law Students to convene the faculty for a decision on students' petitions for re-admission. While, he said, the decision could be made without the presence of Law School Dean Hiram Lesar, who was in Europe, it seemed better to wait for his return since "the Dean has the real responsibility for what happens in the School".

Before Lesar's return, the ABLS issued a statement demanding that all six students be re-admitted as a group. The faculty countered with a resolution that it would be im-



Lewis : "...have never excluded Blacks. . ."

proper to act upon a group petition.

Lesar returned on August 6, and a faculty meeting was scheduled immediately. By the day of the meeting, only one Black student had submitted an individual petition for re-admission. The faculty, meeting in Dean Lesar's office, decided that the group petition submitted by the Black students did not contain enough information about the individual students. The ABLS requested that the meeting continue in session until the students could submit petitions. Mills said the students expected a decision from the faculty that same day. He noted that the meeting had already lasted six hours, and the faculty decided to adjourn. While Lesar notified the students in the main office of what had happened,

(cont. on P. 4)



## Editorials

### Don't shout — I can't hear you

The Association of Black Law Students says one thing. The administration says another. Claims and counter-claims fill the air. Each side has taken its stand, and neither believes what the other says.

Nothing is accomplished.

The ABLS claims the administration is "insensitive" and "racist". They point to a freshman class which has half as many Black students this year as last. They note the sudden drop in grade averages of Black Students after the ABLS made public its demands last March. They name professors who have aimed racial slurs at them.

The administration feels that the Black students "perceive hostility where none exists." Scholarships have been set up at four prominent Black colleges for students who wish to attend Washington University Law School. Tutorial programs were offered to Black students last year but were cancelled for lack of interest. Low-interest loans up to \$1500 are available to Blacks, in addition to full tuition remission, for those who need financial aid.

It doesn't really matter if one side is "right" or "wrong". The problem is that there are sides.

The Law School is primarily concerned with providing a quality education for all of its students. Such quality will not survive random innovation. The Law School, if it is to change, as it must, will do so slowly, after a careful appraisal of goals and resources.

The Black students are frustrated by this seeming paralysis. Their personal stake in promoting change is high. Each day that passes, with their goals no nearer reality, is a step backward.

Why cannot each side consider the view of the other? Why cannot each side put away rhetoric and substitute mutual respect? Why cannot each side lower its voice so that, finally, we all may hear what is being said?

Change is in the air. More important it's on the books.

The faculty has been meeting once a week, instead of its customary monthly sessions to deal with numerous student proposals suggesting changes in many areas. The increased meetings have paid off in several new rules effecting re-admission, the students' role in decision-making and grading procedures.

Students who failed last year may now re-take examinations in courses for which they received grades of sixty-four or below. One must wonder how many students will be willing or able to pass the re-examination after a year's absence from law school. But the rule is a definite improvement over the petition method of re-admission.

Students will also have a voice, if not a vote, in student committees paralleling existing faculty committees on curriculum, admissions and scholarships, rules, library, moot court, and student relations. Some students claim the new committees, without voting power, are worthless.

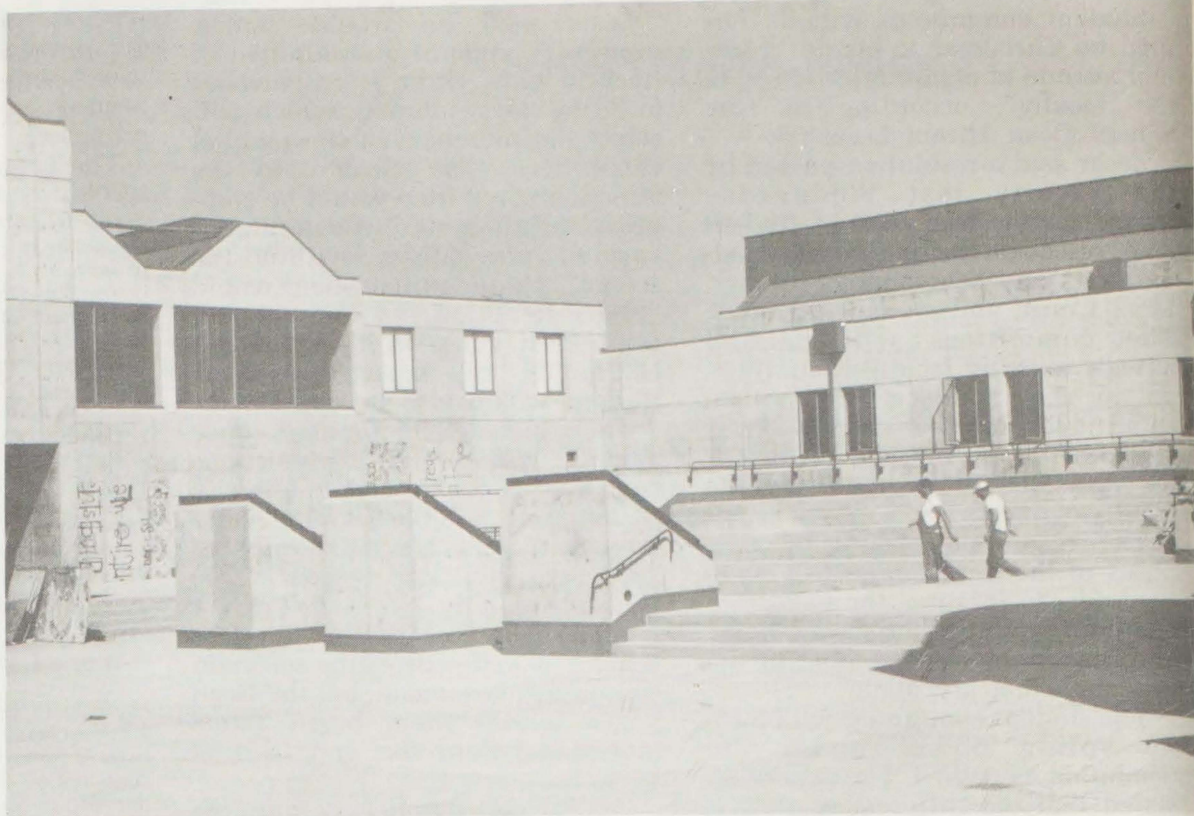
That will depend upon the faculty. Until they demonstrate an unwillingness to consider serious student recommendations, the faculty should be "presumed innocent". Their intentions are perhaps best evidenced by the creation of the student committees.

Another new rule requires the return of examinations, with grades, eight weeks after the end of first semester and six weeks after second semester. Those students who "hung in limbo" last year will greatly appreciate the rule. Those who didn't are lucky.

Action on other student proposals, such as curricula reforms, are due within the week.

The quantity of changes made in the last three weeks has not affected their quality. The faculty should be commended for the thorough consideration it has given student proposals. While not each facet of the proposals was adopted, each was fully discussed and rejected only for what the faculty felt were sound reasons.

Students can look at the new rules and say, "We've come a long way, baby!" The faculty deserves credit for getting them there.



### The Sky Above ... The Mudd Below

O, Mudd, we hail thy vaulted halls, thy classrooms large and free; Your spaciousness and graciousness are something rare to see. Could one find words they glory of thy beauteousness to tell? Please let me try; the best I do is "echh", but what the hell!

## Non obstante veredicto

### Black students speak out.

by Sylvester Brooks  
and Al Jackson

(Editor's note: This column, hopefully, will be a monthly feature of *The Advocate*. Anyone who has something to say to members of Law School is urged to submit their comments on student rights, faculty rights, legal rights or anything else that is important to you.)

The Association of Black Law Students has waged a war with Washington University for the past two years. We have fought, and will continue to fight, because we have no choice. The faculty members have chosen to continue pursuing the suicidal course of insensitivity and benign neglect. They have refused to yield to their own process of reasoned elaboration and blocked every path that leads to a new and progressive law school. Their social consciousness is minimal; their leadership is insignificant and their very value as human beings alive in 1971 is questionable.

It has become imminently clear over the summer months that the faculty and administration of Washington University School of Law are the enemies of Black students, and of all students. They are the enemies of the people at large, and from hence forward must be treated as such. The urgency of the time in which we live commands us to purge them. The Association of Black Law Students has tried to be patient and understand these academic paper tigers with their soup bowl mentality. We have concluded that it is impossible to deal with men who cannot think — men whose only vocation is verbal masturbation.

And, today we give full warning that there can be no truce between the oppressed and the oppressors until one or the other no longer exists.

In the spring of 1970, the Association demanded that twenty percent of the freshman class be Black. At the

start of this school year, we found out that Black enrollment in the freshman class was about two percent. While there are only five Black freshmen here, there are twenty-two at St. Louis University. Why is your law school lagging so far behind?

It clearly becomes a question of intent. The school has not developed a sound and workable program for the recruitment of blacks. The next time you see an administrator, ask him about the faculty's plans for recruiting Black students. He will either have to say we have no program, or tell a lie.

We discovered over the summer, and not at all to our surprise, that we are dealing with some of the most racist, reactionary and uncommitted people we have ever encountered. There are members of the faculty who are blatantly racist. But those professors who have convinced themselves that they are "liberals" (an elusive butterfly) are the worst of all racists, and are the greatest enemies of Black people. Then there are those faculty who are as much out of touch with reality as a cow at the opera. We suppose the faculty members' greatest fear of changing the school into an institution that concerns itself with people and real problems, instead of abstract bologna, is the realization that they would be unqualified to teach because they know nothing about the world as it really is.

We do not intend to engage in a name-calling session; we'll leave that to lesser men. We merely believe in calling the sky blue when it is blue and cloudy when it is cloudy. There are those who say we should have more respect for the professors; that we should not expose them for what they are. We say that is foolish. If you had cancer, you would want to know about it because that is the only way you can cure it.

It seems to us that it is the Law School that is on trial before the people and not the Association of Black Law Students. It is the Law

School which has to refute the presumption of incompetence, the charges of racism, the hostility towards students, and insensitivity to the larger issue of a law school's social responsibility in 1971. It is apparent that a newer world is not built upon such quicksands of negative policy as are perpetuated by the Law School and Washington University.

Black lawyers are essential — this is the fact of the matter. To think otherwise is in part to disregard our very survival as a people. It is obvious that the question before the student body is, "Can the Law School be permitted to perpetuate reactionary policies that are exclusive in nature and ignore the needs of society for Black lawyers?"

The Law School faculty cannot be permitted to use the present Black students as institutional guinea pigs, and, at the same time, sweep us under the academic rug in their ivory-covered towers — treating the students as merely part of an unsuccessful experiment. This constitutes nothing less than an insult to the Black community, and to all people with common sense.

The members of the Association of Black Law Students remain firm in our demands for a twenty percent Black freshman class; for Black students with voting powers; on the Admissions Committee for the development of a poverty law program and an accredited clinical law program; for the hiring of Black faculty and Black administrators to deal specifically with black student problems; and for the development of a program of sufficient financial assistance. We also demand a public statement as to how these demands are to be implemented.

Moreover, we want to make it clear to the faculty that the Black student they did not re-admit last August must be re-admitted. How is it that men who know nothing at all about Blacks can sit in judgement of us?

the advocate

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# Students may re-take exams

Some of your law school friends from last year, who aren't around this year, may be your friends again next year.

A new rule, adopted by the faculty at its meeting September 16, allows first-year students who flunk out to re-take those examinations in which they received sixty-four or below. The rule, according to Associate Dean Lewis Mills, is "a right, not a privilege".

The make-up exams will only be offered at regularly scheduled exam times. That means a student who failed last year may take those examinations this year and be re-admitted next year - if

he brings his grade average up to sixty-five or better.

Mills said that a rule in effect last year was dropped as a result of the new rule's adoption. That rule allowed a first-year student who received a grade of 65 sixty-five in the second semester to continue his education, on academic probation even though his over-all first-year average might be below sixty-five.

Also discussed at the faculty meeting last Friday was a report by the faculty's student relations committee. The report, according to Mills, was in response to a student proposal for establishing student commit-

tees which would act concurrently with faculty committees and have voting power. Mills said the faculty report "endorsed the general concept" of the student proposal. The faculty asked its committee to submit a detailed recommendation on how such student committees would be formed. That report will be acted upon at a later date.

The full text of the new re-examination policy as passed by the faculty follows.

Any student who fails to achieve an average grade of 64 or higher during his first year in the law school is ineligible to continue his studies in the law school. However, any such student may regain his eligibility by re-examination on the

following terms and conditions:

1. The student may retake the final examination in any course (a) in which he received a grade of 64 or lower, and (b) in which a final examination is given during the academic year immediately following the academic year in which the student failed to achieve an average grade of 64 or higher. The student may re-examine in such a course even if a different amount of credit is given for the course or even if a different professor teaches the course. The student may select the courses in which he re-examines and need not re-examine in all courses in which re-examination would be permitted.

2. The re-examining student must retake his examinations during the academic year immediately following the academic year in which he failed to achieve an average grade of 64 or higher. The examination given to re-examining students shall be the same examination as that given to students regularly enrolled in the course; where more than one final examination is given in a course, the Dean will select the final examination to be given to the re-examining student. The re-

examining student must retake the examination at the same time that the regularly enrolled students take it.

3. A student preparing for re-examination may not attend classes in the courses in which he will re-examine. He may use the law school library to prepare himself for his re-examinations.

4. All grades received on re-examination pursuant to this rule will be substituted for the grades originally received by the re-examining student in the courses in which he re-examined; the amount of credit given for those courses will not be changed. If, after the substitution of grades, the re-examining student's average grade is 65 or higher, he will then be eligible to resume his studies in the law school in the academic year beginning after the academic year in which he re-examined.

5. Students wishing to re-examine must notify the Dean to that effect at least sixty (60) days before the date of the first examination to be retaken. The notification should be accompanied by a fee of \$15.00 which can be waived by the Dean in appropriate cases.

## ABLS alleges 'insensitivity'

(cont. from P. 1)

ABLS member, who, Brooks said, was successful in "exposing the school's attitude."

Extensive coverage was given to the meeting by St. Louis new media.

Mills told Brooks that no decision could be made to re-admit students until Law School Dean Hiram Lesar returned from vacation in Europe. Brooks pointed out that Lesar was only one vote on the faculty, and, procedurally, the students could be re-admitted despite his absence.

The faculty met and agreed with Mills — no students would be re-admitted until Lesar's return in early August.

Next, the ABLS issued a statement of solidarity, proclaiming that all six students had to be re-admitted as a group.

Finally, on August 6, the faculty, including Lesar, met to consider petitions for re-admission. Brooks said that Black students, who had hoped to attend the meeting, were asked to wait in the main office in January Hall

while the faculty met in Lesar's office.

After several hours, the students were admitted to learn that the faculty had reached a "tentative decision" to require individual petitions for re-admission from all students. Brooks said the students debated the value of such a policy with the faculty, pointing out that all six students seeking re-admission were present and could provide

## Mills claims 'fair dealing'

(cont. from P. 1)

the faculty left by a door to the hall. Mills said there was no intention of "sneaking out" on the students.

Three of the four petitions for re-admission submitted by Black students were granted. Mills said that students were given credit for courses in which they received sixty-four or better because that number was "decided on as the level above which nothing could be gained from re-taking the course".

Mills agrees with Black students who are disappointed in the number of Blacks in this year's freshman class. "We need better and more effective recruiting of Blacks," he said. He added that a larger number of Blacks were admitted to the School than accepted. He also noted, "The kinds of publicity our Black students created this summer effected the decisions of many to attend here."

Mills asserted that the Law School is "actively seeking more funds" to help Black students in financial need. He said loans up to \$1500 are available this year, and no interest is charged until graduation. Also, scholarships of \$4000 have been set up at four Black colleges for students who wish to attend Washington University Law School.

Mills said he met with the ABLS last spring to set academic standards for admitting Black students to the Law School. At that time, he said, the Association approved standards which focus on the undergraduate performance of the candidate rather than on LSATs.

"There is progress still to be made," Mills said, "but some of the Black students perceive hostility where none is intended. I don't think we have ever systematically excluded Blacks from this school."

any information that would be needed in person. Axer a lengthy discussion, the faculty returned to closed session. The students again waited in the main office.

Later, when Lesar came out to tell the students that each would have to submit a written petition, Brooks said he expected to have further discussion with the faculty. He was wrong.

While the students was talking with Lesar in the front office, the faculty was leaving by another door. Brooks said they "sneaked out" because they were afraid to face the students.

Once the faculty had decided to require individual petitions, contrary to the ABLS demand that all six students be re-admitted as a group, four of the Black students submitted petitions. Two others did not, according to Brooks, because they were "fed up with the Law School".

Along with the four petitions for re-admission from Black students, nine white students requested re-admission. Three Black students were re-admitted, as was one white student. These students were the first to be re-admitted under the policy since its inception three years ago.

The faculty gave full credit to students for courses in which they received grades of sixty-four or better. No credit was given in courses where students received grades between sixty-one and sixty-four.

Brooks said one Black student who had twenty-four hours with grades of sixty-one or better was re-admitted with eight hours credit. Full tuition remission was given to the re-admitted Black students.

Brooks said the administration has done "just enough to keep people quiet". He said no progress has been made on a list of Black demands presented to the faculty last March. He noted that only five members of this year's freshman class of 215 were Black.

Brooks also charged that the administration has failed to actively seek outside financial grants. He recounted that last year Mills told him a particular foundation gave funds only to geographically southern schools. This summer Brooks said he learned that St. Louis University Law School had received funds from that foundation.

"I have lost almost all respect for most of the faculty as human beings," said Brooks. Many

## "No-fault" divorce may come to Missouri

by Beth Broom

Divorce law in Missouri is undergoing a drastic and liberalizing change. The proposed "no-fault" divorce bill slated for consideration in the coming legislative session was discussed at the September 9 meeting of the St. Louis County Bar Association by Gideon Schiller, chairman of the Association's Legislative Committee and two of the bill's drafters and supporters, John B. Gray and Judge Franklin Farris.

Missouri's "no-fault" divorce law was originally drafted by a sub-committee to the Family Law Committee of the Missouri Bar Association. The proposed legislation passed the Missouri Senate during the last legislative term but, after undergoing changes in committee, it failed to get out of the House committee before the end of the session. According to current legislative procedure, "House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11" will be continued to the next legislative session where there is every indication that the bill will be passed.

According to Mr. Schiller, "It is on the docket, at the top, and it is my guess that in 1972, we will have a "no-fault" divorce law in the State of Missouri."

Among the proposals of the bill, said by Judge Farris, the chairman of the Family Law Committee of the Mo. Bar Ass. to "really rewrite

professors, Brooks feels, have become "openly hostile" to Blacks.

He sees little hope for improvement in the situation until changes are made in the School's administration.

Charles Willis, an ABLS member, agreed with Brooks that Black students had encountered "downright prejudicial attitudes, if not bigotry" from professors.

Willis feels many whites, students and faculty, have misunderstood Black demands. He said, "Whatever we have asked for, it has always been geared to need. We're saying, 'Put us on an equal level and we can compete with the best students'."

the marriage and divorce law in Missouri", is a change in the fundamental terminology of the proceedings, that is, an annulment is now termed a "declaration of invalidity", and a divorce is a "proceeding for dissolution."

The residency requirement is changed to only 90 days next proceeding the filing; contempt citations are issuable for violation of any of the decree provisions; and money judgments of the decree are made easier to collect by direct payment to the Circuit Clerk. All of the present grounds for divorce, and all defenses in contested actions, are abolished and the "no-fault" concept is substituted. This means that the "legitimate objects of the marriage vows" are no longer present in the marriage and that the marriage is "irretrievably broken." The only defense available is a denial that the marriage is "irretrievably broken."

The bill will authorize the court to order an investigation of child custody by the Juvenile Court, the Welfare Office or other competent person and, if necessary, order continuous supervision of custody. Modifications of the decree will be entertained only one year after the issuance of the decree and additional modifications must wait two years after any previous modifications. Attorneys will no longer need the consent of the client to petition for a judgment on the award of attorney's fees.

While fault will not be considered in the actual granting of the dissolution decree, it may well be considered by the judge when maintenance (alimony) and property division are at issue. The inclusion of "marital misconduct" in maintenance considerations was the primary change in the bill written in by the House committee and may, according to many members of the Bar, put fault back into the divorce proceedings.

If "House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11" passes, it will not become effective until

(cont. on P. 5)

## Black Students Speak Out

(cont. from P. 1)

It belittles our pride, in ourselves and in our people, that we have to go through this type of degradation. To those members of the faculty who voted against this particular student, we want you to know that we think you are sick sad, and insane. We promise you that we will meet again some other place, some other time, and we will personally see to it that you and this racist Law School are destroyed.

All of us are locked in a conflict against unresponsive institutions. We are engaged in a great struggle for the liberation of our minds and souls. To that extent, we are comrades — and to that extent only. We must survive indoctrination by the shallow proponents of a morally decadent system. We firmly believe that it is our generation that holds in its hands man's last, best hope for survival. Wherever life finds us — in law school, in prison, in hospitals, in military service — wherever, we must resist. We must resist.

And as another has said, better than us, "There is pride in that, even arrogance, but there is also truth and experience. In any event, it is the only way we can live."



# Municipal land reutilization:

## An attempt to deal with the tax delinquency problem

by Mike Doster

The Municipal Land Reutilization Law, enacted by the Missouri Legislature earlier this year, is viewed by its supporters as an extremely useful tool for increasing tax collection and returning delinquent properties to productive use.

St. Louis presents a dreary picture of a deteriorating central city ranking infamously high among the nation's cities in abandonment and experiencing a 245% increase in delinquent taxes between 1966 and 1969. In fact, there are now approximately 10,000 properties that are abandoned or delinquent.

Under existing law there is no incentive to pay taxes or to invest in tax titles because the city must file suit against each individual property, and clear title cannot be given for properties sold at a tax sale. It is not surprising that St. Louis has not had a tax sale in over 30 years (Post-Dispatch, Aug. 15, 1971).

In an effort to do something about the inadequacy of the present law, the Mayor's Riverfront Property Committee asked the Municipal Business Development Commission in the Fall of 1969 for recommendations on tax delinquency and marketability of tax titles.

Margaret Wilson of Lawyers For Housing proposed that new legislation dealing with tax delinquent properties be based on the proven Jackson County (Kansas City) Land Tax Collection Law (141.210-141.810 V.A.M.S. 1959). Kenneth Langsdorf, a young St. Louis attorney then with MBDC, produced the original draft based on this 1943 statute.

What occurred at that point was what Langsdorf refers to as "one of the finest examples of inter-agency cooperation in the history of the city of St. Louis." MBDC, the city Counselor's office, the Comptroller's office, the Collector's office and other agencies collaborated on the final draft, and the legislation was introduced and enacted in the 1971 session of the Legislature (HB 472, S 272).

The Municipal Land Reutilization Law, which will go into effect September 28, attempts to remedy defects in the existing law by providing that the Collector may file suit every January 1, on all properties two or more years delinquent. Also the city may give clear title to properties sold for back taxes. After suit is filed, judicial foreclosure and sale follows if delinquent taxes are not paid or if a plan for future payment is not sub-

mitted within six months.

The procedure up to and including the tax sale is essentially the same as the Land Tax Collection Law of 1943. It is for this reason that the new law's supporters feel that there will be no problems concerning the validity of these sections since the procedure of the 1943 statute was upheld by the Missouri Supreme Court in *Spitcaufsky v. Hatten*, 182 S.W. 2d 86, 160 A.L.R. 990.

Due to the procedural advantage of combining all delinquent properties in a single suit, large tracts of land can be assembled for sale at the same time. This, together with the giving of clear titles, offers a significant incentive to commercial and industrial development.

When the properties are sold either at the tax sale or later by the Land Reutilization Authority, the proceeds are allotted among the governmental bodies to which the back taxes are owed. If the owner has not made clear his intent with respect to the property, and no bids are received at the tax sale, the property passes to the Land Reutilization Authority, a public body to be created pursuant to the new law and having three commissioners appointed by the Mayor, the Board of Education, and the Comp-

troller.

Upon receiving properties in this manner, the Authority will classify them as suitable for private or public use. Property in the former category is held for sale, while property in the latter can be transferred to public agencies such as Model Cities or Land Clearance for Redevelopment Authority at no cost. This transfer has caused speculation as to the possible violation of Article VI, sec. 23, which prohibits a county, city, or other political corporation or subdivision of the state from granting "public money or thing of value to or in aid of any corporation, association, or individual, except as provided in this constitution."

The new law attempts to avoid this possible violation by providing that, if the public agency to which the property is transferred sells the property within ten years of such a transfer, the proceeds shall be allotted among the various governmental bodies to which the back taxes are owed. In a taxpayer's suit relying on the constitutional prohibition, it could be argued by the city that the requirement of allotment would deny construction of this transfer as a "grant", within the meaning of the constitutional prohibition. In fact, prospective sale and payment of back taxes would indicate that the taxpayer was benefitted and not injured by the transfer.

Properties received by the

Authority may also be designated as "not usable in its present condition" and held as a public land reserve.

Individual owners are protected by the law. The six month period following the filing of a suit by the Comptroller allows the owner to come forward and pay the back taxes or submit a plan for future payment. "Hardship cases" will be exempted from the two year provision, and occupied residential properties will not be sold, according to the Comptroller's office.

Optimistic supporters of the new law expect enabling ordinance to be introduced and passed by the Board of Aldermen before the end of the year. If they are correct, the first suit could be filed in January, but, whether or not this schedule is met, the law seems to have already provided an incentive to pay taxes. Since the Legislature's enactment of the Land Reutilization Law, the number of people paying back taxes has increased.

## Satire Anyone?

"Muddy Waters", the Law School's first satire magazine, will be published semi-annually, beginning in November. Allan Winston, Debbie Weinstein and David Uhler, all second-year students will comprise the editorial board of the magazine, but they are "actively soliciting artists and satirists". Anyone who would like to participate should contact Winston.

# the advocate wants you!!!

## Faculty, Alumni

The advocate invites you to share your comments and ideas on recent cases and developments in law.

Your participation in the Law School's paper will strengthen its content and present an excellent opportunity for dialogue with the students.

The only criteria for publication are that your article, or opinion, be topical and typed (double-spaced).

## Students

Your opinions and comments are vital to the advocate. How do you feel about a clinical law program? Do you think grading procedures need revamping?

Case comments and comments on the development of legislation are welcomed.

We ask that whatever you submit be typed, (double-spaced), but, other than that, the only criterion for publication is that your subject be important to you.

## Reporters!!

The advocate needs you most of all. If you would like to get involved and learn what's going on, if you're quite curious and a little bit nosy, then you should join our staff!

Reporters will be assigned investigative stories (only one per month) that will be challenging, interesting and rewarding.

There will be a staff meeting in the Mudd Hall Lounge, Wednesday, September 29 at 11 a.m. Everyone is invited.

If you can't make the meeting, contact Ken Brown or Mike Doster, you'll still be welcome.



# Faculty act on grade reform

The faculty has adopted a report stemming from student proposals for grade reform.

The faculty committee on student relations studied our proposals made by students last year. The student proposals were: 1) open competition for Law Review and Urban Law Annual; 2) alternative methods of determining final grades; 3) a pass-fail grading system; and 4) various policy changes.

The committee report suggested, and the faculty approved, that no new action be taken on the first and second proposals (see report).

The pass-fail grading system was rejected by the faculty because it felt "a numerical grading system does offer some significant motivation to an appreciable number of students".

The faculty approved a new policy that will require the return of examinations eight weeks after the first semester examination period and six weeks after second

semester. Rejected was a proposal to allow students to postpone examinations at their discretion.

The complete text of the student relations committee follows. It was approved in toto by the faculty.

report of the faculty committee on student relations on the report of the student committee on grade reform.

To simplify references, in this report the Report of the Student Committee on Grade Reform is referred to as the "report"; the Committee on Student Relations is referred to as the "committee".

The report deals with four general subjects: (1) methods of selection of candidates for the Law Quarterly and the Urban Law Annual; (2) suggested alternatives to basing grades solely on final examinations; (3) recommendation of a "credit-no-credit" system of grading; and (4) miscellaneous policy recommendations. These subjects are discussed in the order listed.

**1. Selection of candidates.** The report recommends the use of an open competition to select candidates for the Law Quarterly and the Urban Law Annual. Both publications are now trying competitions, and, for this reason, no immediate faculty action is needed. The committee recommends that at an appropriate time the Publications

Committee report to the faculty its evaluation of those competitions.

**2. Alternatives to grades based solely on final examinations.** The report suggests that the faculty consider methods of grading in which grades would not be based solely on the students' performance on traditional three- or four-hour final examinations. It offers a alternatives for consideration research papers and "take-home" finals. Under existing policies and practices, any professor can use research papers or "take-home" examinations as his basis for assigning grades, in whole or in part. For this reason, the committee believes that no collective action by the faculty is necessary at this time. The committee does recommend, however, that each faculty member individually continue to consider carefully his examining and grading practices.

**3. "Credit-no-credit" grading.** The report urges the adoption of a "credit-no-credit" system of grading with individualized evaluations of the performance of each student in a course by the professor teaching the course. In support of this recommendation, the report asserts that the present system is "not conducive to an academic environment," that it creates "needless anxieties, animosities, and divisions among the students," and that it produces "needless pressure and other noxious symptoms." It further asserts: (1) that the present system provides no significant addition to students' motivation to strive for academic excellence; and (2) that numerical grades and rank in class neither aid prospective employers in evaluating graduates nor provide any useful guide to a student's potential as a lawyer. The report offers no facts in support of any of these assertions, but a factual demonstration of their truth or falsity would be extremely difficult.

The committee disagrees with all of these assertions. Implicit in the report is the assumption that a striving for intellectual mastery of a subject is inconsistent with a striving for a high grade in that subject, that the student who is grade-motivated does not achieve understanding of his courses. Our collective experience indicates that this implicit assumption is false. The student who masters his subject will usually receive a high grade; the student who receives a high grade does so by demonstrating his mastery of the subject. The pressures of a numerical system weigh most heavily on those students who seek badges of excellence with minimal effort, on those who want to be "as good as" their classmates without dedicated study. In short, we believe that (1) a numerical grading system does offer some significant motivation to an appreciable number of students; and (2) the adverse effect on students who do not need that motivation is not sufficient to warrant the abandonment of the numerical grading system.

The course in Business Drafting has in recent years been taught both as a numerically graded course and

as a pass-fail course. The instructors unanimously agree that the students worked harder and learned more in the years in which it was numerically graded.

The committee, therefore, recommends that the faculty not adopt a "credit-no-credit" system of grading.

**4. Miscellaneous policy recommendations.** The final section of the report contains four proposals: (1) to permit students who fail a course to retake the examination in that course; (2) to permit students to postpone the taking of their examinations for any reasons that seem to them sufficient; (3) to stop posting grades on the bulletin-board; and (4) to grade examinations promptly and to inform students of their grades quickly.

The Rules Committee is already considering a rule concerning reexaminations; for this reason the committee will not comment on the first of these proposals. The third proposal was adopted by the faculty last spring in a somewhat modified form, and so it needs no additional comment at this time.

The committee finds little merit in the unrestricted postponement of examinations suggested in the second proposal. Postponed first semester exams would interfere with second semester classes. Permitting the postponement of second semester examinations might give an unfair advantage to those students whose financial circumstances permit them to spend the summer studying instead of working. Moreover, some subjects, particularly in their first year, tend to panic at exam time; their judgment as to the need for delay is frequently unsound. Under present practices, a student who has sound reasons for delay may postpone an examination with the consent of the professor; in order to preserve the anonymity of examination papers, some professors have delegated the power to consent to such delays to the Registrar or the Associate Dean. The Committee believes that these practices suffice to meet all legitimate needs for postponement of examinations.

Examination grading is an arduous and time-consuming task that should be done with extreme care. Not only may the proper reading of examination papers require a relatively long time, but also examination grading sometimes has been delayed by health problems, by the demands of daily class preparation, and by the requirements of other pressing commitments, such as publication deadlines or service on critical law school or university committees. Nevertheless, the committee believes that the primary obligation of the professor is to teach, and teaching includes grading. Though the committee recognizes that in exceptional cases other commitments may be more important, it believes that, as a general rule, only class preparation deserves higher priority than exam grading. Consequently, the committee urges each member of the faculty to consider the urgency of returning exam grades to students as quickly as possible and recommends that the faculty adopt a rule requiring that final grades be turned in no later than eight weeks after the end of the first semester examination period and six weeks after the end of the

second semester examination period, unless the teacher has received the prior permission of the dean.

## ABA offers grant

The Law Student Division of the American Bar Association has announced a matching-fund grant program which it hopes will encourage the implementation and expansion of student projects by law schools.

The Law School Services Fund Program will allocate \$20,000 for projects during the 1971-72 school year. Maximum grants for individual projects are \$1000, which must be matched by funds from the participating school.

Eligibility requirements for the program include: 1) participation in the project must be open to all students registered in the law school; 2) the project must supplement curricular or extracurricular programs in the law school; 3) there must be collateral benefit to the community in which the law school is located; and 4) a faculty advisor or sponsor must be appointed by the Dean of the law school to work with the project.

Applications may be obtained in the Dean's office.

Last year the Law Student Division, through this program, was able to materially aid such projects as: a national environmental conference, legal aid clinics, speakers programs, legal services to federal inmates, consumer education and legal aid programs, a symposium of Indian legal problems, Model Court Rule projects, and a juvenile probation program. With an expanded budget, the program should be tremendously effective this year.

## "No-fault" divorce (cont. from P. 4)

September, 1972, or one year after it passes the Missouri legislature, to enable the Missouri Bar Association to institute continuing education seminars for members on the new provisions.

## Five new faculty join Law School

by Bill Berry

Five new appointments have been made to the law school faculty this year.

Charles Haworth, 27, has joined the faculty as Assistant Professor of Law. He received his B.A. degree from the University of Texas in 1965 and earned a J.D. in 1967 from the University of Texas School of Law. Following graduation, he served as Law Clerk to Judge John R. Brown of the United States Court of Appeals, the 5th Circuit. Since 1968, he has been an attorney for Coke & Coke in Dallas, Texas.

Two more practicing attorneys, Reed Johnston, Jr., 27, and James A. Jablonski, 28, also joined the permanent staff in September.

A graduate with an A.B. from the University of North Carolina in 1965, Mr. Johnston received his J.D. in 1968 from the School of Law of the University of North Carolina. Since his graduation, he has been an attorney for the U.S. Department of Justice in the Civil Division of the Appellate Section. Last year Mr. Johnston was a Visiting Professor of Law at the University of North Carolina.

Mr. Jablonski graduated from the University of Wisconsin with a B.B.A., 1965, and earned a J.D. in 1968. In 1967, he participated in a Field Research program for the Wisconsin State Corrections Institute. He served as Law Clerk for Judge F. Ryan Duffy of the United States Court of Appeals of the 7th Circuit and was an attorney for Pillsbury, Madison & Sutro, a San Francisco firm, since 1969.

The fourth appointee, Patrick J. Kelley, 27, graduated Valedictorian at the University of Notre Dame in 1965 with a B.A., and has completed graduate work at Stanford University. Since receiving his J. D. from the University of Iowa Law School in 1969, he has been

an Attorney with Sidney & Austin in Chicago, Illinois.

The fifth addition to the law faculty, Mr. Richard Helmholtz, 31, graduated from Princeton University with a B. A. degree in 1962. Dr. Helmholtz earned a J.D. from Harvard University Law School in 1965. In 1970 Dr. Helmholtz received a Ph.D. in Medieval English History from the University of California, Berkeley campus.

Dr. Helmholtz was a professor in the history department at Washington University last year. This year Dr. Helmholtz has joined the law faculty, serving jointly as a law professor and history professor. Next semester he will be offering a course in English Legal History that will be open to both the law students and history graduate students.

Professor Frederick Beutal, a visiting professor at the law school last year, will remain as a professor through this school year.

## Inmates need parole assist

The Lutheran Mission Association requests volunteers to write petitions for City Jail and Workhouse inmates who are eligible for parole.

A petition is mandatory before an inmate may be released, and many are in prison simply because the volume of petitions is so large.

The program is directed by Reverend Paul Beins of the Lutheran Mission Association and Fred Talent, a social worker. Volunteers will be requested to interview inmates, conduct some research, and write the petition requesting parole.

Anyone interested in joining the program should contact Bernard Edwards, a Law School student. He may be reached at 862-9358.

## Guest Speaker announced

Nicholas Johnson, author, lawyer and Federal Communications Commissioner, will be a guest speaker at Washington University Law School October 29.

Johnson, 37, graduated from the University of Texas Law School with honors in 1958. Following graduation, he served as a law clerk to Judge (now Chief Judge) John R. Brown of the U.S. Court of Appeals for the Fifth Circuit and then to recently — retired Associate Justice Hugo L. Black of the U.S. Supreme Court. He spent three years as a faculty member at the University of California Law School in Berkeley and has also practiced for a year with a private law firm in Washington, D.C. In 1967, he was selected as one of the "ten outstanding Young Men" of the year by the U.S. Jaycees, following his appointment to the FCC in 1966.

The topic, time and location of his address will be announced.

## Delta Theta Phi

by Douglas G. White

The members of Delta Theta Phi, Benton Senate, began this school year with two rush parties held at the homes of alumni members. The first rush party was at the home of Campbell Alexander, No. 59 Bellerive Acres, and the second party was at the home of Mr. Edward P. Burke, 633 Sherwood Drive, Webster Groves. An evening dinner was served at both parties.

The formal rush program concludes with the pledge initiation in Judge Regan's United States District Courtroom on Friday night September 24th. All law students who are not members of another legal fraternity are cordially invited to join.

The Delta Theta Phi National Convention was held at the Americana Hotel in Miami Beach from July 24-29, and Benton Senate

was represented by Tribune Douglas G. White.

There were three major developments at the National Convention which will interest law students at Washington University; first, the Delta Theta Phi Constitution was amended so that women law students will be eligible for membership; second, the National Office has written a new simplified ritual for all student and alumni senates; third, the National Office in Washington will operate a full-time, modernized, national placement service for all members of the fraternity.

The officers of Benton Senate under the leadership of Dean Max J. Ruttger III are planning activities for this fall which include social, practical and scholastic aspects of law school life at Washington University.



# Clinical program discussed at open meeting

"There will be no clinical program offered for credit this year."

That statement, by Dean Hiram Lesar, was made September 15 at an open meeting of faculty and students in the Mudd Hall Courtroom.

The meeting was sponsored by January Inn, and two-hundred-fifty persons attended to discuss student grievances. Bob Ford, president of January Inn, said the meeting was held "to get information out". Others called it a "gripe session."

Many of the questions focused upon faculty action, or the lack of same, on student recommendations for changes in five areas: 1) student participation in administrative process 2) curricula 3) a clinical law program 4) classroom procedure and 5) grading procedure. The recommen-

dations were submitted to the faculty last March.

Ford contended the faculty had promised to reply to the recommendations before school started.

Lesar said, "No specific date for a reply was agreed upon." He added that the recommendations had been given to faculty sub-committees for study. Many of the sub-committees reports were under discussion at the present time.

Lesar summarized the faculty report on the feasibility of a clinical law program. The report, he said, found that such a program was often "counter-productive" and difficult to supervise. Conversely the report noted that a clinical law program was of value to the community it served.

Lesar said the faculty would require a student/teacher ratio in a

clinical program of 14:1. He noted that similar programs in other schools have varied in cost from \$1700 to \$4000 per student.

The Dean added that the faculty report recommended the addition of a trial practice course next year and suggested an increased effort to help students find non-credit work in public service organizations.

Lesar said consideration would be given to a proposal to give credit to students who work in public interest law agencies in the summer, and who then write a seminar paper about the agency with which they worked in the fall.

Lesar was asked why he was opposed to a clinical law program. He said he was not opposed, but he believes "the best type of clinical program is for students to work in law offices during the summer."



**The Leaders**  
Dean Hiram Lesar (l.) and Associate Dean Lewis Mills (r.) answered most of the questions asked at the open meeting. Bob Ford (c.) president of January Inn, chaired the session.



**The Listeners**  
More than 250 students and faculty attended the meeting to ask questions, make complaints and suggest solutions.

## Student committees

(cont. from P. 1)

Proposals initiated by a student committee would be submitted in writing to the parallel faculty committee, along with a request for a joint meeting, if the student committee desires a joint meeting. If the faculty agrees that a joint meeting is necessary or desirable, a joint meeting would be held. After it has considered the student proposal, the faculty committee would submit the proposal to the faculty, along with the committee's recommendations.

Proposals of individual students could be routed through the appropriate student committee or could be submitted directly to the faculty. As is presently the case, a representative of supporters of a proposal could appear in person before the faculty.

If a faculty committee is considering any matter on which the committee desires student input, the faculty committee could solicit the opinion or advice of the parallel student committee. The faculty committee could request either a written or an oral presentation; it could also request a joint meeting, which would then be held if the students agreed that a joint meeting would be desirable.

The committee believes that a system of parallel committees will succeed only if both the students and the faculty are willing to participate. Consequently, the only mandatory aspect of the consideration of proposals is that the faculty committee must submit to the faculty and

student proposal properly presented to it, along with its recommendation for faculty action. The committee hopes, however, that the faculty committees will endeavor to ascertain student opinion on matters they are considering and that the student committees will be responsive.

## Odor downs tort

Law and Odor, quarterback by freshman Steve Johnson, walloped the Intentional Tort 32-0 in the opening game of the Graduate School League's open division.

John threw two TD passes to Rick Meyer, another pair to Joe Pratt, and ran one in himself to spearhead the Odor's devastating offense.

The Intentional Tort, lead by quarterback Tom Boardman, mounted several offensive threats but were consistently stifled by penalties and three key interceptions by Odor's Don Schulte.

## AALS VISITS MUDD

The American Association of Law Schools' Visiting Committees which visited the Law School last spring, returned on Friday, Sept. 24. No publicity preceded Friday's visit so little is known of the purposes for the Committee's return.

However, various sources believed the Committee is in the process of compiling a final report.

The Committee reportedly met with the faculty in the morning and with three groups of students at separate meetings in the afternoon. The three groups — Law Quarterly editors, Black law students, and selected members of the student body — were chosen by the administration, according to one faculty member, "to provide a Committee with a different picture of the student body than that they received last spring".

Associate Dean Lewis Mills commented that the faculty were limited, in numbers and in the hours that could be spent teaching. "Perhaps we could get more productive use of that professors' time in a non-clinical program," he said.

"The faculty will have to make up its mind if we can present a clinical program that has real intellectual content," Lesar told the audience. He did not say if such a decision would be made in time to offer a clinical program next year.

Lesar pointed out that, until five years ago, ninety credits were required to graduate. That was lowered to eighty-six, so that students would have more time for extra activities. Beginning next year, students will receive no credit for their work on Quarterly, Moot Court or Urban Law Annual.

Lesar asked, rhetorically perhaps, if students would prefer to renew the ninety hour requirement in order to have a clinical program. No

one answered him.

Other grievances were aired by students. The late date for releasing grades was mentioned. Lesar said under the new exam schedule to be instituted this year, the situation should get better.

Other students complained of minimal assistance from the School in finding law-related work. Lesar said that the administration tries to find jobs for any student who seeks one. He added that his request for a full-time job placement assistant should be approved by the University this year.

Slightly less than half the student body attended the meeting. Faculty members received written invitations to attend the day before the meeting.

Present at "roll call" were Becker, Beutel, Haworth, Meyer, Greenfield, Tablonski, Fuchs, Swihart, and Johnston. Absent were: Ashman, Boren, Becht, Bernstein, Dorsey, Helmholtz, Gerard, Kelley, and Miller.

## Moot court takes military trial

Moot Court competition this year focuses on facts similar to the Calley court-martial.

The village of Fu Lang was wiped out by military forces in Vietnam. Lieutenant Harold E. Packs was tried and convicted by a military court-martial at Fort Stenning, Georgia. After exhausting all appeals and remedies, he petitioned for a writ of habeas corpus. The question was now before the Supreme Court on certiorari.

Was the petitioner deprived of constitutional rights because of pretrial publicity or command influence? Was evidence of military practice in Vietnam properly excluded when proffered to support the petitioner's defense of superior orders? Was the petitioner deprived of a fair trial because the Army was guilty of the crimes charged?

Was the verdict sustained by the evidence? These were the issues.

As in previous years, Moot Court offers Washington University law students an excellent opportunity to develop appellate brief writing and oral argumentative skills. Last year, however, only Arthur Smith, Susan Reynolds, and Gary Fleming, all former members of the Law Quarterly, participated. The program is open to second and third year students.

The law school is entitled to send two teams of three to Omaha, Nebraska in November for the regional (competition). A school elimination will be held in late October to determine which teams will represent the University. All interested law students are urged to contact Professor Kendall Meyer for details.





# January Inn officers resign

by Beth Broom

The Board of governors of January Inn, the student government of Washington University Law School, resigned last Wednesday.

A lack of student interest in January Inn, as evidenced by poor attendance at recent meetings, was the apparent reason for the resignations of Bob Ford, president, David Cohn, secretary, Marilyn Watson, treasurer, and Dick Knutson, third-year representative.

A student meeting was held Wednesday, October 13, to discuss various proposals and to present candidates for three open positions, vice-president, first-year representative and second-year representative. Less than thirty students attended the meeting, four of whom were candidates.

Following that meeting, the officers of January Inn held a second meeting at which it was decided that they should resign because there was "no interest at all" in the organization. The candidates for vacant offices, only one of which was contested, agreed that it would be "ridiculous" to hold proposed elections.

The Board of Governors felt that the poor attendance at the announced meeting Wednesday was a strong indication that students were not involved in the organization. Cohn remarked, "As it stood last Wednesday, January Inn was composed of only four members of the student body. They could not possibly represent the student body at the Law School. If the students wouldn't support their elected representatives and show an interest by attending meetings, the representatives couldn't do any good. There was no point in the officers meeting for the sole purpose

of throwing an occasional Friday afternoon beer party."

The officers, according to Cohn, felt that January Inn had a poor image with the students themselves. Only one-hundred-fifty students paid the \$12.50 dues to the organization this September, and "most of those were freshmen". Cohn maintained that there are too many stigmas attached to January Inn "because of its past".

Other students agreed with Cohn. Diana Buckthal, a second-year student, said, "Up until last year, January Inn was primarily a social organization. People got turned off." Miss Buckthal also felt the lack of student interest was a manifestation of the times. "Today people have negative feelings about working through a structured organization. People are doing things individually."

Cohn also felt that January Inn was being "undermined" by the faculty. He noted that no representatives from the organization were invited to speak with the visiting committee which came to Mudd two weeks ago. Ford said the decision of Dean Hiram Lesar to appoint a student selection committee to choose parallel committees also usurped the Inn's function.

David Agnew, a second-year student, felt "the resignations were a very apt response to the apathy of most students at the law school to the problems generally recognized to be confronting the school."

Ford said the organization failed at Washington University because of the "total disinterest of the student body."

"There is no need for student government if the students don't care," he said.

Lesar said that he was "not

"I would have some hopes," Mills said, "that a new student bar association that is representative of the student body at large will be formed."

The officers did not know if their resignations technically dissolved January Inn or simply created vacancies in the organization which could be filled by a special election. If it has been dissolved, Ford said the dues collected will probably be returned on a pro-rated basis after outstanding bills are paid.

aware" of the Board's resignation as of Friday, October 15, and he had no comment to make about it.

Associate Dean Lewis Mills also said he had not been notified of the Board's resignation. Mills commented, "January Inn, as it was constituted, was counter-productive. They were sincere and well-motivated but had themselves so deeply sunk in the role of Her Majesty's Loyal Opposition that they were unable to cooperate with the faculty at all."

## Bob Ford: Closing Remarks

January Inn has become an exercise in futility. In recent years the student government has not accomplished much, and the reputation of January Inn has declined accordingly.

Initially the faculty and the administration are to blame. Ignoring student proposals and usurping student government functions such as orientation and appointments of the selection committee (see story on the selection committee) have ruined student faith in the organization.

Moreover, the faculty and administration have come to view January Inn as "just a legal fraternity". Consequently the students have resigned themselves to the student role.

Lacking student support, January Inn could not effectively deal with the faculty and the administration.

We, the officers, hope that by disbanding some reaction will be forthcoming possibly in the form of a student movement to create a new organization which is more representative of the student body.

## Lesar names selection committee

By Mike Doster

Law School Dean Hiram Lesar has named five upper-classmen to serve on a selection committee which would appoint students to positions on the newly-created parallel committees.

The five are: Robert L. Ford, (former) president of January Inn, Francis M. Gaffney, editor-in-chief of Law Quarterly, Richard J. Kahdeman, editor-in-chief of Urban Law Annual, Richard B. Teitelman, president of Honor Council, and Charles R. Willis, a member of the Association of Black Law Students. Although Lesar had previously stated that he would "probably" appoint at least one student from each class to serve on the selection committee, no first-year students were named.

The appointees initially concerned themselves with an examination of possible ways to make the committee more representative of the student body. Willis proposed that the selection committee appoint members of the student body to either serve on a separate

committee which would be charged with the responsibility of appointing students to sit on the various parallel committees or aid the selection committee in making those appointments.

The basic concept of the parallel committees is acceptable, but the new committee believes that the unwillingness of the faculty and administration to divest themselves of some power and the absolute exclusion of students from faculty committee meetings renders the proposal inadequate. One committee member saw the faculty and administration as "condescending at best" and thought the proposal established channels of communication no more effective in the decision-making process than those already provided.

The selection committee plans to draft and submit a letter to the faculty and administration delineating the deficiencies in the current proposal and recommending methods by which they can be corrected. Further action was

(Cont. on P. 4)

## Faculty votes no change in classroom procedure

Changes in classroom procedures recommended by an ad hoc student committee last spring were rejected by the faculty at its meeting October 13.

The student proposals were considered by a faculty sub-committee which recommended that no changes be made in present policies regarding counseling, reading assignments, classroom attendance and dismissals, and variety in teaching methods.

The sub-committee's report was accepted by the faculty in full.

A student suggestion for more formal counseling by professors was rejected by the faculty until it has had the opportunity to evaluate the counseling benefits derived from small sections in Legal Writing. The sub-committee report noted that "student selection of advisers is preferable to arbitrary assignment".

The faculty also voted against a student proposal which recommended that detailed reading assignments be given to student in those courses where substantial amounts of "outside reading" are expected by professors. Noting the importance of self-reliance as a legal skill and the differing needs of students in different courses, the faculty felt the suggestion could "best be resolved by the exercise of in-

dividual judgment by individual faculty members".

Student objections were raised to the policy which allows a professor to require class attendance and dismiss students who are unprepared. The sub-committee found "no merit" to these objections, stating, "The existence of these powers encourages diligence in some substantial number of students, and the adverse effect, if any, on other students does not warrant their abandonment."

The faculty also felt a student proposal to introduce variety into methods of teaching law was "an inappropriate one for collective faculty action", since professors are presently free to teach by whatever methods they choose.

Aside from classroom procedure, the faculty authorized a new course in consumer protection. Associate Dean Lewis Mills said that "quite probably" the course will be taught next semester by Professor Michael Greenfield.

A proposal to reinstate credit for editors of Law Quarterly and Urban Law Annual next year was tabled until the faculty's next meeting October 27.

The complete text of the sub-committee's report on classroom procedures appears on page five.

## Nicholas Johnson to speak at Mudd

Nicholas Johnson, a commissioner of the Federal Communications Commission, will speak in the Mudd Hall courtroom Friday, October 29 at 2:30 p.m. The topic of his speech will be the critical significance of early employment choices by law students.

A question and answer session will follow Johnson's presentation. His appearance is being sponsored by the Law School.

Johnson, in addition to serving on the F.C.C., has authored several books and practiced as an attorney. He served one year as clerk to former Associate Justice Hugo Black of the U.S. Supreme Court. In his role as F.C.C. commissioner, he has frequently criticized the quality of programming on television.





# Editorials

## Gone

January Inn is gone.

The sudden resignation of its Board of Governors has brought an end to the only student governmental organization in the Law School. Now there is nothing.

Hopefully, a new student government will be formed in the near future to take its place. However, the creation of a new organization will not answer serious questions which have been raised by January Inn's demise.

Bob Ford, former president of January Inn, said the Board's resignation was motivated by student apathy. Some others have countered that the apathy was engendered by the "radical" stance of the Inn's officers, including Ford.

Certainly, the Inn has been active in formulating student "demands" and advocating "student power". Perhaps many students do not agree completely with those actions.

But since when did disagreement become an excuse for non-participation? It would seem that the more one disagreed with the policies of January Inn, the more vocal he should become in expressing his own. But nothing was said, nothing was done, and, now, nothing is left.

Who is to say that such apathy will not afflict the next student government?

Certainly January Inn is not the only organization to suffer from student inertia. At a poorly-attended meeting in early September, Al Jackson, a member of the Association of Black Law Students predicted, "I can tell you (the students) about the problems we've had, but I don't think you'll do anything about them."

He was right. The students have done nothing to support or oppose the A.B.S.L., just as they have done nothing about the issues raised by January Inn.

They have voiced no opinions on the many important questions which face the Law School in a period of rapid growth and transformation. Most students, it seems are more interested in obtaining a degree than an education.

The faculty, through the creation of parallel committees, has, at the very least, shown a willingness to give students some voice in determining school policies. There remain serious doubts that students will care enough to accept that role.

The same charge was not made against January Inn.

## A fresh feeling of futility

# Non obstante veredicto

Freshmen this year, as in past years, are somewhat confused, uncertain, frightened, tired, and in some cases, bitter. Of course, there is no reason to be confused after having two orientation sessions this year!

After the faculty-sponsored orientation, many freshmen had the same comment, "You mean that's all there is to the orientation?" It could have been beneficial, but was actually very weak and almost useless.

But where the faculty orientation was bland, the January Inn orientation was plenty spicy. Some freshmen openly resented being used as pawns in a confrontation drama. Several upper-classmen questioned Dean Lesar about school policies and procedures, relying more on emotion than reason. During the rapid interrogation of Lesar, one freshman rose and protested, "Let us make up our own minds. Right now I don't know who is right. All I know is that I have to prepare some briefs for class and I don't know what a brief is." If nothing else, the timing of the second and third-year students was bad. Most freshmen felt that the presentation by Mr. Cohen

and Mr. Barons and the program from the Cairo Black United Front posed pertinent and important issues. But they didn't expect, or want, the confrontation that occurred between Lesar and the upper-classmen.

That day some freshmen were wondering if they had made the wrong choice in selecting law schools. Some freshmen are still questioning their choice of schools, but most have resolved their earlier doubts and are buckling down for the long haul ahead.

"If only I had more time" seems to be the comment coming from most first year students. The study load is substantially more than most freshmen are accustomed to, but as one freshman put it, "I shouldn't complain because I thought it would be rough before I applied." At present you don't hear an overabundance of complaints concerning the work load, the course content, or the faculty—not so far. Some instructors are considered first-rate by the first-year students while others are "at least competent".

This freshman class has been told that we have the best credentials of any previous class—our un-

dergrad grade averages are higher, as are our LSAT scores. Frankly, this doesn't seem to have much effect on attitude. Most study hard and long and don't expect anything to come easily. Even with assurances from the Deans and the faculty, many feel that there is a flunk-out rate, if not established, then at least condoned by the administration. Something is wrong when nearly one third of last year's class flunked Constitutional Law and 25% of the class did not return this year.

Being new at playing law students, freshmen ask a lot of questions and receive very few answers. Many are wondering why Washington University doesn't have a clinical law program; why there aren't more Blacks enrolled; why there isn't a placement service; or, more basically, why there is so much hostility, distrust, and lack of communication between students and administration. The present climate can hardly be conducive to an enlightened legal education.

I think that most freshmen are willing to go halfway in discussing problem areas and implementing solutions. All we ask is good faith on the part of the administration and some participation in the decisions governing our education. But the administration is missing the mark when it declines to include freshmen in the proposed selection committee for parallel faculty-student committees. We are going to be saddled with these decisions for three years and expect to be a part of the decision-making process. This is a reasonable request, one that reasonable men should accept.

I believe that most freshmen resent being labeled and forced into positions they do not yet understand. This year's class, as in every class, includes persons who want to be corporate lawyers, legal aid lawyers, and government lawyers. I hope the administration, faculty and student body is capable of accommodating a wide range of personalities and problems. Maybe it is optimism, maybe naivete, or maybe just stupidity, but I think advances can and will be made if effective lines of communication can be established between students and the administration, between students and their fellow students, and between the law school and the community.

All we are saying, is give everyone a chance.

## Guest privilege

# The role of advocacy

by John G. Roach

(Editor's note: Mr. Roach, a 1963 graduate of Washington University School of Law, submitted the following article to the Advocate in response to a question we asked him, "What is your role, as a lawyer, in society today?")

Mr. Roach is a practicing attorney with a St. Louis law firm. He also serves as Alderman for the 28th Ward since being elected to that post in 1970. In addition to his law degree, Mr. Roach holds a masters in comparative law from the University of Chicago.)

The legal profession has always employed a rather singular technique for evaluation and appreciation of its own role in society. Characteristically, the critics of the Bar are either superannuated practitioners who, mounted astride their hoard and comforted by a tasty glass of port, find elaborate social utility in all that they and their fellows have accomplished, or academics whose observations, though valuable, are scarcely self-analysis.

The great mass of practitioners, however, doing what they do, reflect little on their role in the society in which they are important actors. Lawyers are, after all, the apologists, the rationalists (and the rationalizers) of this creaky amalgam which seems somehow to survive from day to day and from year to year. If there is a priesthood of the American Republic, it is the Bar.

If the foregoing observations are true at all with



respect to practicing lawyers, they are doubly accurate with respect to practicing politicians. Again, the practicing politician appreciates his role in society usually through the pleasant rose haze of octogenarian reflection rather than in a process of on-going evaluation.

As a practicing attorney and a politician, it is therefore interesting to try to describe for the readers of the Advocate what I do, what I am, and what my function is in the society in which I act. First, I am a general practitioner dealing with a variety of problems and with a variety of people, ranging from those of little or no attainment to substantial members of the community. I am a relatively minor office holder, an Alderman in the City of St. Louis with, I suppose, the normal range of ambitions and hopes for a bright political future. I live in a community which is integrated racially and socially, and which faces the paroxysm of social ills that are the subject of daily

media and scholarly attention.

This situation is one of conflict in which a city in trouble, a neighborhood in trouble, and lot of people with problems are attempting to work out some kind of general accommodation to things as they are and things as they might be four or five years from now, in order to bring about in our corner of the world some approximation of the humane ideal which all of us in some vague sense know exists.

This battle is not so much with a fighting and aggressive adversary who thunders a position in opposition. Rather, it is the frustrating and slobby battle against an opponent or opponents of marshmallowy character, indifference, inattention, and unconcern, who overwhelm by fatigue and discouragement.

I suppose that the function which I serve in my society and in my city is as a passionate advocate for the neighborhood in which I live, and the city in which I live, and for its future. This small voice of advocacy for society as we might hope it will be, augmented by a number of legislative proposals on everything from street-paving to the ghastly proliferation of ugly signs in the city, is what I do as a politician. To a certain degree my law practice bears some relationship to the same kind of function. A practicing politician-lawyer soon finds that an increasing number of his clients are people who are attracted to him as a result of their contacts with him arising from

his political activities. The law practice thus becomes, at least to some extent, an extension of these political activities. Unless one is to starve, however, one must find some way to make sure that the particular extension of his political activities is on a basis which brings some remuneration.

Therefore, I suppose that my role is as a participant in a social, economic and civic process which is typical of the struggle of the more densely urbanized areas of our country to survive as decent places in which to live and to provide the humanity of living opportunity, which those of us who live in urban areas feel is not to be found in the suburban areas.

It is said that politics is conflict, or the process of conflict resolution. Politicians and lawyers marshal persons and ideas to serve their clientele. The role of the advocate who phrases his advocacy in the language of consensus is a role of gathering the overwhelming number to defeat another.

(Cont. on P. 4)

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# The role of law in contemporary society

by Ralph F. Fuchs

(Editor's note: This article is based on a talk given by Professor Fuchs before the Ethical Society of St. Louis, October 10, 1971.)

Indications of the increased realization of the importance of law in society are frequent these days. The contributions law can make to social improvement and the blighting effects of legal malfunctioning are both receiving widespread attention. New legislation for consumer protection, industrial health and safety, economic stabilization, increased welfare assistance, redevelopment of cities and geographical areas, and protection of the environment are being considered and adopted at an accelerated pace.

Public concern over the functioning of the court system, of penal agencies and institutions, and of juvenile and police administration is at a high pitch. Divorce Law is undergoing fundamental changes for the first time since its original introduction into the body of American legislation.

Somewhat in contrast, the withdrawal of law from the regulation of major aspects of personal conduct, notably sexual conduct, abortions and the use of drugs, is being actively sought, partly by means of constitutional litigation. The abolition or drastic curtailment, through no-fault automobile insurance laws or other schemes, of a large part of the litigation that now burdens the courts and keeps lawyers busy is under way.

Simultaneously, efforts to enlarge the availability of legal services to the bulk of the populations are going forward, and the availability of suits, especially in the federal courts, over large public issues has been significantly expanded.

Over all, the major trend is to put the legal system to increased use. The significance of this situation for law students, in relation to both professional opportunity and the kind of society in which they will live, is evident.

Anthropologists and social scientists generally, have, of course, consistently recognized the basic importance of law in the institutional structure of society. During the first half of this century, however, the dominant view among critics tended to denigrate the value of the adversary method as practiced in litigation by lawyers and judges, and to emphasize the desirability of substituting other methods of administering legal controls, so as to give greater scope to participation by members of other professions. It is partly in recognition of this viewpoint that administrative agencies developed faster than the courts and, of course, continue to increase.

Today, by contrast, much social thought emphasizes the value of specific legal rights, which individuals and groups can vindicate in court, in strengthening personal self-respect and effectuating social policies.

Hence, for example, the processes of juvenile courts are being modified to provide more formality and increased procedural guarantees to the persons who come before these tribunals. By a parallel development, class suits and group actions in behalf of common interests have become numerous.

The functions of lawyers extend beyond the conduct of litigation and the counselling and drafting which solicitors carry on in England. In this country more than others, these functions extend to professional participation in public and private negotiation and in policy formation by private and public agencies, such as collective bargaining between labor and management, pricing of products which is subject to the antitrust laws, and development of programs of government agencies.

Some of this hospitality to participation by lawyers results, no doubt, from the position of the courts as the highest policy-making level in interpreting the Constitution, and from the prevalence of statutes, such as the Sherman Antitrust Act, which regulate broad areas of conduct and also require extensive interpretation. Today even the administration of educational institutions requires the attendance of counsel at frequent critical times, because of issues that turn on constitutional or other legal requirements.

Any legal system is inevitably geared to effectuating the purposes of the society it serves. In the United States the central national purpose for more than a century was to conquer a continent, exploit it for personal gain, and create a race of freemen — strong, educated and benevolent — who would govern democratically. There emerged a system of constitutional law, property law, corporate and commercial law, and domestic relations law that served these ends. The effort succeeded but the nation has been recurrently uneasy because the persistent tradition of the Declaration of Independence that all men are created equal, and of the Preamble to the Constitution that government exists to establish justice and promote the general welfare, was not sufficiently fulfilled.

Now we are distressed because, belying our benevolence, our international strength has erupted into too much violence, our conquest of the continent has consumed much of it and befouled a large part of the remainder, and want, dependency, and delinquency show no signs of disappearing. Failures in the legal system share in the blame, and reform measures have been numerous.

Aside from the new charter of the Thirteenth, Fourteenth and Fifteenth Amendments and Civil Rights legislation after the Civil War, reform has consisted largely of an overlay of remedial measures, some of which have been of major scope: regulation of various aspects of business; protec-

tive legislation for labor; the graduated income tax; women's suffrage; direct election of Senators; the zoning of land use; and various forms of social insurance, among others.

Recently, however, more basic kinds of innovation have come about or been seriously proposed: urban renewal that altogether reshapes large areas; planning on a scale that promises the redevelopment of regions; ecological measures that require coordinated attacks by many agencies on threats to the environment; management of the economy to create full employment and control inflation; and the provision of guaranteed incomes that, together with social insurance, would apply a sweeping new principle of a minimal, yet respectable, level of welfare to the entire life span. These measures not only require new basic statutes but, as well, require the services of lawyers, along with other specialists, every step of the way.

Basic reforms have gained new impetus through two important developments in the courts. Constitutional decisions have established new social goals, and litigation has been expanded so that judicial surveillance of governmental administration, especially in the federal courts, could take place. The school desegregation and reapportionment decisions of the Supreme Court, construing the Equal Protection Clause of the Fourteenth Amendment broadly as a charter of equal opportunity under law, require affirmative governmental action to make good the commitments they contain. The courts must prescribe the requisite action if other agencies fail. The courts, at the same time, have developed doctrines which require them, at the suit of interested persons and groups, to inquire much more readily than before into alleged failures of regulatory, benefactor, and protective agencies to discharge their responsibilities under the Constitution and laws. Litigation to secure civil rights, environmental protection, statutory benefits, and consumer safeguards, has become common.

A parallel tendency to withdraw legal controls from important kinds of personal behavior has also developed. It proceeds through litigation in considerable part, as controls over obscenity are challenged on constitutional grounds, the right to secure abortions is asserted, regulation of sexual relations is resisted, and even a right to possess and use narcotics is asserted. Legislative changes are, of course, also sought. It is too early to say how far this expansion of personal freedom from legal constraint may go.

The probable success of failure of the legal system in discharging its changing functions depends, of course, on many factors. Within that system, the role of the courts and of lawyers invoking their jurisdiction is an especially critical one. Wisely performed, it can keep the nation truer to its

ideals than it would otherwise be, as the history of desegregation and of reapportionment surely demonstrates. Yet the ability of the courts to set limits and apply stimulants to numerous other agencies of government is limited, as the school desegregation experience also illustrates. If, for example, the lead of the California Supreme Court is to be followed and the children in a state are to become constitutionally entitled to equal per-pupil taxable resources and expenditures within public school systems, a host of difficult problems relating to taxation and school organization looms ahead. The decision is commendable and valuable in the context of such community indifference as has long surrounded the inequity of the Kinloch school situation in St. Louis County; but

whether nation-wide judicial follow-through could be successful remains to be seen.

The more the courts enter into controversial political issues, the greater become the controversies over appointments to them, as current battles surrounding Supreme Court nominations amply illustrate.

A different basis for doubt would surround constitutional decisions excluding statutes from the regulation of private personal conduct, as distinguished from speech or other expression. No one knows as yet whether society can hold together without including in its legal framework some requirements as to permissible personal relationships and behavior.

Clearly public understanding and support of the legal

(Cont. on P. 6)

## County votes Nov. 2

On November 2, the County government of St. Louis County will present to the voters of St. Louis County three charter amendments pertaining to a uniform code for the regulation and supervision of building construction, minimum standards for housing, and minimum performance standards for police departments. These amendments will be submitted pursuant to the adoption in 1970 of an amendment to the Missouri Constitution giving St. Louis County full home rule authority to make specific improvements in local government services, subject always to the approval of the voters.

The Uniform Building Code Amendment would authorize the County Council to establish and provide for the enforcement of uniform codes and regulations governing building construction throughout St. Louis County with such codes and regulations being established by a Building Commission composed of nine members from both the unincorporated and incorporated areas of the County.

This amendment also establishes a Fire Safety Advisory Board to consult with the Building Commission on matters relating to the protection of persons and property from fire. The costs of adoption are met by the County government except for those municipalities which are authorized to enforce the Uniform Code within their boundaries. All administrative and enforcement costs of the County would be defrayed by permit fees.

The Minimum Housing Code Amendment would authorize the County Council to establish and provide for the enforcement of a Minimum Housing Code throughout St. Louis County. There would be a Housing Code Commission made up of nine members from both the incorporated and unincorporated areas of the County which would prepare and recommend codes, standards, and amendments regulating housing and the

conditions by which municipalities may conduct their own housing code programs.

The purpose of the amendment is to prevent neighborhoods in St. Louis County from falling victim to blight and slums. A minimum housing codes would conserve and, in some cases, upgrade the quality of housing in St. Louis County. At the present time there are about 30,000 dwelling units in the County in a seriously deteriorating conditions. About two-thirds can be repaired and brought up to acceptable standards if early action is taken.

The cost of adoption and enforcement of such codes shall be borne by the County from general revenues, except that a municipality authorized to adopt and enforce its own housing code shall pay for its own program. However, beginning in 1974, a rebate will be provided to municipalities authorized to conduct their own programs based on the per-person cost of a housing program on a County-wide basis based on the population of the municipality.

The Minimum Police Standards Amendment would require that each municipal police department in St. Louis County and the County Police Department provide around-the-clock police patrol services and preliminary investigative services.

About seventy-five of the ninety-five municipalities in St. Louis County have their own police departments. Some have large, well-trained departments. However, approximately fifteen of the municipalities do not presently provide round-the-clock patrol service and basic investigations. A number of police chiefs have expressed concern that the present lack of service could result in the development of "crime pockets" in St. Louis County.

Whether one votes "yes" or "no" on November 2 is his choice, but, if he has an opinion on these issues, he must cast his ballot to be heard.



## Historical Background

## Municipal incorporation: abuse of law?

by Randall Lowe

(Editor's note: Legal controversy, which may yet reach as far as the U.S. Supreme Court, has centered upon the recently proposed incorporation of Black Jack in northern St. Louis County. This article, the first in a three-part series, studies the history of the County's incorporation laws, which helped to create the Black Jack controversy.

Subsequent articles will examine the Black Jack problem itself—the motives behind incorporation and court action, present and future.)

St. Louis County is properly termed the "jurisdictional jungle". The appropriateness of the term can be readily understood when one realizes that the County is comprised of more than ninety-five cities, towns, and villages, making it second in size in the nation only to Cook County Illinois, which has one hundred nineteen municipalities including Chicago.

The expression "jurisdictional jungle" is often used to describe the amount of overlapping and confusing local governmental agencies operating within a single

county creating duplication of effort, unnecessary waste of taxpayer's money, and general jurisdictional confusion.

The primary reason for the proliferation of incorporated areas within the County (ranging in size from fifty-four people in the Village of Champ to almost 60,000 in Florissant, and from .020 square miles in Marlborough to 9.279 square miles in Bridgeton) is the relative ease for incorporation under the Missouri statutes. Under the old law a petition of incorporation needed 50% of the inhabitants of the area. As stated in Section 72.080 R.S.Mo., 1969:

Any city or town of the state not incorporated may become a city of the class to which its population would entitle it under this chapter, and be incorporated under the law for the government of cities of that class, in the following manner: Whenever a majority of the inhabitants of any such city or town shall present a petition to the county court County Council of the county in which such city or town is situated, setting forth the metes and bounds of their city or town and commons and praying that they may

be incorporated, and a police established for their local government, and for the preservation and regulation of any commons appertaining to such city or town ...

This petition is to be presented to the County Council (County Court), and it must be approved by them if the number of signatures is correct and if the form is otherwise valid. There is also the requirement that the area be now an existing "unincorporated city or town" which the Missouri Supreme Court in *Petition to Incorporate the City of Duquesne*, 322 S. W. 2d 857 (Mo. 1959) noted, at 863:

We are of the opinion the legislature intended that the incorporated cities or towns to be incorporated under Section 72.080 should correspond in some reasonable degree in population and area with an incorporated city of the class involved, comprising a compact center of population, and might include, to the extent proper, a suburban area having a unity of interest therewith. In discussing the existence of an unincorporated city or town, the Courts have dealt with a variety of concepts. In *State ex inf. McKittrick v. Church*, 158 S.W. 2d 215, 220 (Mo. App. 1942) the Court noted:

The decisions do hold that when the county court, in its order of incorporation, includes territory ... with no ... unity of interest with that part subject to incorporation, the whole order is void.

And in *State of Inf. of Wallach v. Stanwood*, 208 S.W. 2d 291, 295 (Mo. App. 1948) the Court said:

Appellant states that no village in fact existed, but this finds no support in the evidence for there were places of business ... and homes throughout the tract. Though the houses were few in number the residents ... had a community of interest.

In 1965 a new law was passed by the General Assembly requiring that a petition of incorporation submitted to the Council had to be signed by 10% of the voters in the area. But under the new law, granting of incorporation was not automatic. It gave some discretion to the County Council in awarding incorporation. It was thought that the later law superceded the earlier one, but an opinion of the Attorney General of Missouri ruled that they were both in the alternative.

Robert A. Cohn, in his work entitled "The History and Growth of St. Louis County, Missouri" (ed., 1969), states that by 1900 the County had only six incorporated areas (Florissant, 1857; Bridgeton, 1843; Kirkwood, 1865; Fenton, 1814; Pacific, 1859; and, Webster Groves, 1896). By 1935 the number had risen to twenty-two and by 1945 it had risen to fifty-nine, due mostly to fear of annexation by surrounding municipalities. By 1950 there was a total of ninety-two. This figure later reached ninety-eight by 1959, but mergers in subsequent

years reduced that amount to ninety-five.

The St. Louis Metropolitan Survey, *Background for Action* (Bollens, John C., et al., 1957) points out that in 1957 the St. Louis County Council, "alarmed by the rapid increase in the municipalities, adopted a policy of discouraging further incorporations". The Council then enacted an ordinance which required a proposed budget for the first year of operation to be submitted along with the petition for incorporation (County Ordinance No. 410, Section 401.020 SLCRO 1964) which states the submission of:

The assessed valuation of the property ... together with a proposed budget for the first year's operation of the proposed city ... which budget shall be based on the assessed valuation of the property in the proposed city ... and shall show the anticipated revenue during the first year of operation of the city ... as well as the municipal services to be rendered to the people of the proposed city ...

Copies of said petition are then submitted to the County Counselor, the Department of Highways and Traffic, and the County Clerk for review and written approval or disapproval. If any of these officers recommend against incorporation, an affirmative vote of five of the seven Council members is required to implement incorporation.

In 1951 the County Counselor's office rendered an advisory opinion stating that the County Council did not have discretionary powers to deny incorporation on the ground that more municipalities would be "inadvisable". This decision purportedly denied the Council any policy decisions concerning incorporation within the County other than the requisites required by statute.

The issue of incorporation was brought to the forefront in 1959 when the area of Champ with a population of less than fifty inhabitants sought incorporation as a "village". The sponsors of the petition planned to offer tax-free revenue bonds to build industrial sites, which in turn would be leased to firms at low financing in order to attract industry to the area. The petitioners denied that this would allow County and local tax immunity for industry but claimed that they would be subject to leasehold taxes which it was claimed were equivalent to property taxes. The County Council, feeling itself forced to grant incorporation, maintained reservations that the petition was lacking and that the Village of Champ would be unable to provide adequate municipal services for its inhabitants. In 1962, then-Attorney General Eagleton filed suit against the incorporation on the grounds that Champ was not an urbanized area and did not represent a true municipal corporation. In 1965 the Supreme Court of Missouri in *Missouri v. Norman B. Champ, et al.*, 393 S.W.2d 516 (Mo. 1965) stated

that under the existing law the County Council had no choice but to grant the petitioner's request because they met all the requirements of the law. The Court concluded (as dictum) that:

The area described was not occupied solely by an existing unincorporated village and its commons, and ... the lines were not drawn with that in mind. This, the Court noted, would support their judgments of ouster, but for the laches of the State in inquiring into the validity of the incorporation.

In 1966 the County asked for state legislation requiring that any proposed incorporations be referred to the Planning Commission by the Council for a study of the area concerning its ability to be incorporated. This is now the procedure followed by the Council.

A further requirement under Section 72.080 is that a majority of the taxable inhabitants sign the petition for incorporation.

... if the court shall be satisfied that a majority of the taxable inhabitants of such town have signed such petition, the court shall declare such city or town incorporated ... (Italics added).

There is little decisional law as to the definition of a "taxable inhabitant". Other than business taxes, real and personal property taxes were the only taxes for which individuals were liable at the time this language was originally enacted into law. In a letter submitted to the County Council by the County Counselor on July 9, 1970 it was reasoned that "taxable" still meant "subject to pay taxes on real or personal property held or owned" and "since there is no lower limit in law to personal property tax assessment, everyone, in theory, is 'taxable', even though he does not appear of record on the tax rolls" citing as authority *In re Annexation of Chester Tp.*, 174 Pa. 177, 34 A. 457; and *Howe v. Town of Ware*, 330 Mass. 487, 115 N.E. 2d 455. It was also stated that the word "inhabitant" implied a more fixed and permanent abode with an intent to remain than did the word "resident". Therefore, an unemancipated minor whose intent is his parent's would be excluded. In conclusion it was stated that "taxable inhabitant" as used in Section 72.080 is every adult and emancipated minor "having a fixed place of abode within the boundaries of the proposed town, except someone who can be affirmatively shown to neither own or hold property of any character whatsoever".

In conclusion, the County Council will grant incorporation to any petitioner falling within the confines of the law regardless of motive or intent.

This has caused some problems, the most recent being the petition for incorporation of Black Jack in northern St. Louis County.

(Part two of this article will appear in the November issue of the Advocate.)

## Selection Committee

(Cont. from P. 1)

stayed until the results of the planned January Inn referendum were received. The Committee's recommendations have already been submitted to January Inn.

Prior to the October 13 meeting of January Inn to discuss the faculty proposal, the January Inn Board of Governors released a statement rejecting the faculty proposal and setting forth three procedural safeguards which the Board considered essential to a parallel committee system:

1. We think that there must be a provision requiring the faculty to submit to the appropriate student committee all faculty proposals. The students must be allowed to submit their recommendation before the faculty may take action.
2. We think that the student committee must be guaranteed an opportunity to advocate their position before the faculty committees. There must be a provision for mandatory joint meetings between the student and faculty committees. We think this is especially critical when the

faculty has rejected a student committee's proposal.

3. We think that student committees must be selected by the students. Selection of student representatives by faculty appointees is clearly an unacceptable procedure. Students are best qualified to select their representatives, just as the faculty is best qualified to select theirs.

At the October 13 meeting, attended by approximately thirty-five students, the faculty proposal was briefly discussed. One student intimated that since student interest appeared to be waning, a "realistic compromise" should be sought, and suggested that "we get our foot in the door" now and attempt to institute further changes at a later date.

The referendum and the election of January Inn officers were to be held the following day, October 14, but the Board of Governor's resigned, and the election was cancelled. Willis said that in light of this development the selection committee would proceed to act, and suggestions from the student body would be welcome.

and social differences in areas where there is some economic, racial and social mix, what is the future for already stratified and polarized suburban areas? If we are unable to physically preserve cities which were constructed with some care and craftsmanship, how are we to deal with the speculatively built crackerboxes of the suburbs? If politically unified cities are overwhelmed by social change, how do the countless towns and villages of suburbia face it?

Characteristically, this subjective article is flavored with my posture of advocacy. I can only recommend the pursuit of that function for an end one is able to value, as the very stuff of life, lending verve to an existence which is potentially spiritless.

## Roach

(Cont. from P. 2)

less well-represented viewpoint.

What I am saying is that my task is one of mobilizing resources and building majorities to secure ends which will be of some comfort to the people with whom I live. As a result of the fact that a large majority of the population does not at this time understand the problems of neighborhoods such as mine and cities such as St. Louis as being central to their existence, my task is to share in educating a substantial portion of the population to the fact that the fate of urban neighborhoods indeed has much to do with the fate of the society as a whole.

If we are not able to somehow reconcile this generation of youngsters to racial, economic,



# MASW holds conference on crime and corrections

by Bill Berry  
and Frank Strzelec

On Thursday, September 9, 1971, the St. Louis Division of the Missouri Association for Social Welfare (MASW) sponsored a conference at Busch Memorial Center on the St. Louis University campus on adult and juvenile offenders. The purpose of the conference was to provide students, laymen, and professionals the opportunity to discuss the problem of criminal offenders and hear proposals for reform. The program, running from 2:00 to 10:00 p.m., was divided into two sessions—the afternoon session to hear from the experts and the evening session for discussion and planning groups.

Discussing the juvenile offender was a panel of speakers composed of Walter DeClue, superintendent of the State Training School for boys at Booneville, Samuel Bernstein and William Murphy of the St. Louis Juvenile Court, Mrs. Virginia Edwards from the MASW Committee on Children and Youth, and the Hon. James F. Conway from the 65th Dist., Chairman of the House Interim Subcommittee on the juvenile Code.

The comments presented were honest but sad. All speakers emphasized the dire need for reform in the juvenile code of Missouri and the construction of new and better equipped training facilities for youth. Bernstein called for an increased number of half-way houses in the metropolitan areas, where the majority of the offenders reside, to provide guidance for the youth re-entering society.

DeClue, acknowledging the troubles that have plagued Booneville in the past few months, stated that the training school facilities were severely overcrowded. At present, he stated, there are two training camps and one training school in Missouri. All members of the panel stated that the problem of the juvenile offender could not be ignored by society as it has been in the past. Murphy emphasized the job of corrections must begin in the community, the metropolitan areas, any area where the juvenile problem is found. He proposed a Youth Service Bureau to extend the state services and assistance to all youth in hopes of helping the juvenile before he gets into trouble. Community centers in both the metropolitan and rural areas are needed to extend care, and work-release programs to every young person in the state.

Primarily, every speaker spoke of reform in the code, the correctional facilities and the individual citizens' attitudes as the key to helping the juvenile offender and not merely "locking him up".

Mr. Alfred E. Sironi, Chairman of the Corrections Committee, St. Louis Area Division, MASW, conducted the second half of the program. He began with his

own remarks, stating that the greatest gap in the rehabilitation process was the move from prisons directly into the community. The denial of jobs to ex-convicts by federal and state governments along with private industry was cited as a major reason for problems of adjustment after release from prison. Mr. Sironi stressed that community involvement was the key to solving readjustment problems of ex-convicts. Half-way houses are an ideal means of diminishing problems of readjustment.

Mr. Ray French, Superintendent of the Intermediate Reformatory at Algoa, presented some interesting statistics about prisoners in Missouri. He stated that 1,872 inmates went to prison last year, while 1,054 were released. The average age of the incoming inmates was 25 years. Of the number admitted to prison last year, the majority had been born in the state of Missouri. Turning to solutions for problems in the penal system, French indicated four areas to need. First, more money is needed; second, trained and adequately paid personnel are needed to motivate prisoners; third, adequate security measures for people working in prisons; and fourth, legislation to keep control of the prison in the hands of the prison officials.

Mr. Culver, Director of Missouri Law Enforcement Assistance Administration, pointed out that alternatives to imprisonment, such as nominal bond programs, release on personal recognizance, and increased probation and parole services, should be used to alleviate crowded conditions in prisons.

Mr. Branom, Missouri House of Representatives, attacked the priorities of spending money budget to the prisons. His case in point was the spending of the nine million dollars for a maximum security prison in Steel, Missouri. He stated that a committee was formed by legislators to set out guidelines for the site of the prison. Then, without another meeting of that committee, Steel, Missouri was mysteriously chosen as the site for the prison. His objections to the site were the lack of sufficient labor force and lack of medical facilities for the prison. Another problem mentioned by Branom was the bill to penalize prisoners in revolt for negotiating before the release of hostages. As Mr. Branom aptly indicated, what sort of penalty could deter an inmate already facing a 200 year sentence?

Finally, John Bass, Director of Welfare for the City of St. Louis, noted that quality of life in the ghetto and the inequality in the rationing of justice was resulting in a high percentage of minority members and Blacks in the jails. Reform in correctional institutions, he said, has to be coupled with reform in the areas that lead to crime.

After the first of two weeks to obtain a refund on assessed Missouri Public Action Council fees, an estimated 500 undergraduate students took the available two dollar per semester refund. They represented about one-eighth of the student body and a sizable chunk of MPAC funds. Student Accounting Services expected the amount of rebates to be larger in the first week than second.

The Missouri Public Action Council was formed earlier this year through the hard work of W.U. law students. One of the group's founders, Junior Dana Contratto, sometimes characterizes the organization as similar to Nader's Raiders, but also says it's very much different.

MPAC will concern itself with consumer protection, environmental quality, racial and sexual discrimination, landlord-tenant relations, delivery of health care and other areas affecting the welfare of the people of Missouri.

The student-supplied funds are used to pay professional supervisors for the Council's projects. Contratto said the number of refunds was "not more than I expected." He said that some people have no social consciousness and others still don't know what MPAC is about. All of the people not taking refunds are not necessarily in favor of the

## LAW QUARTERLY NAMES COMPETITIVE CANDIDATES

David A. Collins, third year student, James A. Christman, Thomas E. Douglas, Douglas D. Ritter-scamp, and Thomas A. Stegeman, second year students, have been accepted as Law Quarterly candidates after having completed the competitive writing program.

This was the first year for the Law Quarterly competition, and the initial results indicate that the experiment was a success. Law Quarterly editors have been both surprised by the number of candidates who originally entered the competition and impressed by the quality of the work submitted.

The voluntary candidates submitted case comments which were accepted if deemed to be of publishable quality, and throughout the program they were subject to the same requirements and procedures as the regular candidates with one exception. Voluntary candidates were divided into two groups, each group receiving one case so that several students wrote comments on the same case. It was believed that this approach placed the candidates on a more equal footing since some cases are easier to comment upon than others. Otherwise, the voluntary candidates received the normal amount of editorial assistance and were required to complete their work in the same amount of time.

The competitive writing program will be continued next year, but only second year students (this year's freshmen) will participate. Third-year students were permitted to enter the competition this year because the program was unavailable to them last year.

Structure of the program is within the ambit of the editorial board. This year's editors expect, however, that it will remain unchanged, and the policy of accepting as many people as can produce quality work will remain in effect.

## MPAC refunds student fees

by Bob Fine

organization. Many of the students are apathetic and others probably didn't know they could get the rebate, Contratto said.

At the present time, two projects are underway with four supervisors. The projects, Jail and Bail, and Land Use and Redevelopment, dealing with urban blight and urban renewal, are both offered for credit under the General Studies Department to provide student incentive.

"We do plan to spread this program on with other schools," Contratto said. At this time, St. Louis University has organized a group, but is not working closely with the Washington University organization. The leaders of MPAC want to get the St. Louis area involved first, and then spread to the rest of the state.

The problem is that state-wide organization takes much time and work, and not every school will want to pool its funds. There's a big need to get the program past the local level to better the chances of success, Contratto says.

One of Ralph Nader's aides, Bruce Stokes, will be in St. Louis and he may be sent to other schools to speak and possibly to help organize. Similar organizations have been formed in Minnesota and Oregon.

Despite the need to spread state-wide, MPAC stresses the need for increased involvement on the part of Washington University law students. The undergraduates gave strong support last spring with 85% of the ballots favoring the assessment of the fee, though only a minority voted. The so called "tax" for MPAC funds, approved by the Student Union and by referendum as voluntary, was collected from all students as part of the incidental fees, with an election to refund by the students.

At the present time, there are thirty-five people in MPAC projects and four supervisors, of which three are lawyers. The supervisor provide students with very close assistance.

At the end of October, MPAC will elect the two new members to the Board of Directors, who are very important to the organization. The Board will consist of five members. Juniors Mark Kruger, Daune McDevitt and Contratto presently hold positions.

The organization was called "MOPAC" at its inception last spring, but a change of name was in order. The Missouri Pacific Lines used that name, and the new name was selected to prevent a possible suit in copyright abridgement.

## Text of faculty report on classroom procedures

### REPORT OF THE (FACULTY) COMMITTEE ON STUDENT RELATIONS ON THE REPORT OF THE (STUDENT) COMMITTEE ON CLASSROOM PROCEDURES

(as accepted by the faculty October 13, 1971.)

To simplify references, in this report the Report of the Student Committee on Classroom Procedures is referred to as the "report"; the Committee on Student Relations is referred to as the "committee".

The report deals with five general subjects: (1) counseling; (2) "clarification of student responsibility" with emphasis on the need for detailed reading assignments; (3) policies and practices concerning attendance requirements and dismissal from class for unpreparedness; (4) promptness in grading by professors; and (5) suggestions for introducing variety into the methods of teaching law.

The fourth subject is dealt with the committee in its report on the Report on the (Student) Committee on Grade Reform and therefore is not discussed here. The committee believes that the fifth subject is an inappropriate one for collective faculty action; however, it suggests that each faculty member individually consider the need for variety of method in the courses that he teaches and that he consider the suitability of the suggestions in the report. The other subjects of the report are discussed in the order listed above.

(1) **Counseling.** When the enrollment in the law school was smaller than it is now, there seemed to be little need for a formal counseling system. Student-faculty relations were easy and informal, and any student who felt a need for advice felt free to seek it from any faculty member. Today's larger enrollment has made student perception of faculty availability more difficult. For this reason, we may now need a formal system. However, the committee hopes that the small sections in the Legal Writing course will encourage students to seek counseling when needed from faculty members that they themselves select. If they do, there will be no need for formal assignment of faculty members as counselors for specified students. The committee believes that such student selection of advisers is preferable to arbitrary assignment; it recommends, therefore, that the faculty not adopt a formal counseling system until it has had the opportunity to evaluate this aspect of the Legal Writing course.

(2) **Detailed writing assignments.** The report recommends that students be given detailed reading assignments in those courses in which they are expected to do substantial amounts of "outside" reading. This subject, too, is a more appropriate one for individual rather than collective action by the faculty. Nevertheless, some discussion may be helpful.

One of the attributes of a successful practicing lawyer is self-reliance. When he is confronted with an unfamiliar problem, no one is there to give him a detailed reading assignment; no one will tell him that the answers are found in pages 19-37 of Moynihan. He must know how to teach himself the relevant law. He must be able to find the appropriate sources, ascertain which portions are relevant to his problem, and discard the irrelevant. Moreover, he must know when he can stop, i.e., he must be able to recognize when he found the answers. These skills are difficult to acquire, but they can be acquired through continuous effort in law school. But a precise list of all "outside" reading in law school would seriously inhibit the acquisition of these skills by law students. In addition, the need for supplemental reading about a problem raised in a course may vary from student to student. Student A may perhaps achieve adequate understanding of a problem merely by reading and briefing the cases in the casebook. Student B, because of differences in his background or abilities, may need to do extensive supplemental reading to grasp the same problem. In a different course, or later in the same course, their roles may be reversed, and Student A may need the extra reading. Rather than being required to read exactly the same sources, each should be free to do whatever he needs to do to understand the problem. This approach not only may help each to achieve understanding by himself but it may also help each to learn to recognize when he has achieved that understanding.

The committee recognizes that law students are not lawyers and that some guidance for them, perhaps some identification of relevant treatises or articles, may in some instances be helpful and reasonable. The committee believes that issues of this nature can best be resolved by the exercise of individual judgment by individual faculty members. Therefore, the committee recommends that no faculty action be taken.

(3) **Attendance requirements and dismissal from class for unpreparedness.** The report suggests that professors should not have the power to require class attendance or to dismiss unprepared students from class. The committee finds no merit in these suggestions. If all students were diligent in their attendance, these powers would never be exercised. The fact that they have been used in the past, albeit infrequently, demonstrates that not all students are diligent. The committee believes that the existence of these powers encourages diligence in some substantial number of students, and that the adverse effect, if any, on other students does not warrant their abandonment. More importantly, however, the committee believes that the manner in which a course is conducted, including rules about attendance and preparedness, is a matter properly to be determined by each teacher. It is recommended, therefore, that the faculty take no action on this matter.



# Students overwhelmingly favor clinical law program

A large response to the Advocate's questionnaire on the need for a clinical law program reveals that nearly all students feel such a program would be beneficial, while most feel that it is a necessity. Eighty-seven first-year, fifty-nine second-year, and seventeen third-year students took part in the survey.

Ninety-seven per cent of all students felt that "practical experience obtained through a clinical law program would be 'beneficial' to their legal education. In comparison, fifty-eight percent of all students felt that this experience was a **necessity**. Only twenty-five percent considered summer employment sufficient practical experience. Comments in this area ranged from "there is **no excuse** for not having a clinical law program" to "no doubt practical experience is beneficial, but, after three years in law school, one will obtain plenty of practical experience."

Second and third year students pointed out that their prior practical experience was "invaluable." Some students predicted problems that might be encountered in such a program. Most comments pointed to the need for such a program, and some to students' frustration in not finding faculty support for it.

While sixty-five per cent of all students would participate in a c.l.p. without credit, ninety-five per cent would participate if credit were included. One reason given for this difference was that "time was too scarce unless credit is given." When credit is not given, most students would be willing to offer between two and four hours per week. When credit is given, seventy-three per cent of the students would give either four to eight or over eight hours per week, with forty-five per cent expecting to receive four or more credits per year.

Seventy-nine per cent of all students feel that the faculty has a responsibility to the law students to set up a clinical law program and seventy-two per cent feel that the faculty also has a responsibility to the community. One student commented that responsibility to the community was the most important question considered by the questionnaire.

Most students, eighty-nine per cent felt that a "clinical law program **can and should** be instituted by fall of 1972". Many students also felt that there were alternatives to a clinical law program such as the Legal Aid Society, writing petitions for prisoners, or a military law project now being formed. One commented that the administration should do more to make these opportunities available to the student (a step the administration is presently undertaking).

The poll showed clearly that W.U. law students want a clinical law program, and they want it soon. One student, perhaps pessimistic, hopefully wrong, gave his opinion of the poll. "The faculty will not listen regardless of your efforts. They don't care."

## Military law project started

First and second-year law students from Washington University and St. Louis University have started a clinical law project in military and draft law. The project is being sponsored by the National Lawyers Guild, in conjunction with Vietnam Veterans Against the War and the military counseling project of the American Friends Service Committee. Professor Blackmar from St. Louis University and Professor Jablonski from Washington University have agreed to participate as supervisors.

The project will begin working with St. Louis attorney Frank Ruppert, who is handling the majority of cases involving military personnel stationed at Fort Leonard Wood, 125 miles southwest of St. Louis. The law school has agreed to find a room that the project might share and to order the necessary research publications in military law that are not presently found in the law library.

The students are expected to get involved in every aspect of the cases they are assigned, including research, investigation, and preparation of briefs, motions and petitions. While the emphasis of the project necessarily involves military law, Mr. Ruppert points out that a majority of his cases find their way to federal court, primarily in habeas corpus petitions. The project will be divided into teams with second and third year

students supervising first year students.

Anyone, faculty or student, interested in participating in this project, contact Dave Wanger (second-year) or Toby Hollander (first-year). If you make a commitment to the project, it is essential that you fulfill it, as a GI is depending upon the project as any client would. First-year students are advised to commit no more than five hours a week. If you are interested in participating in a new and relatively undiscovered field of law, this project is ideal. There is no money or credit involved.

## Volunteers

All second and third-year students who would be interested in doing voluntary work with a legal aid office which may be set up in the Delmar-Skinker-DeBaliviere area may sign up in Dean Lesar's office.

It is hoped the legal aid program will be established by November 15.

## Correction

The Advocate incorrectly stated last month that the Law School was visited by an evaluation committee from the American Association of Law Schools.

The committee, which visited Mudd Hall on September 24, was not representing the AALS, but was formed by Washington University for evaluative purposes.

## Responses to the Advocate Poll

### Questions

| Questions                                                                                                                                    | Yes | No  | % av |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|------|
| 1. Do you think that practical legal experience obtained through a clinical law program would be <b>beneficial</b> to your legal education?  | 167 | 6   |      |
| 2. Do you think that practical legal experience obtained through a clinical law program is <b>essential</b> in obtaining your law education? | 100 | 72  |      |
| 3. Do you think that you can receive sufficient practical experience through summer employment?                                              | 38  | 116 |      |
| 4. Concerning a clinical law program <b>without</b> credit:                                                                                  | 108 | 59  |      |
| a. Would you be willing to participate in a clinical law program <b>without</b> credits?                                                     |     |     |      |
| b. How many hours per week would you be willing to offer?                                                                                    |     |     |      |
| 0 (25) 1-2 (11) 2-4 (55) 4-8 (29) 8 & over (58)                                                                                              |     |     |      |
| 5. Concerning a clinical law program <b>with</b> credit:                                                                                     |     |     |      |
| a. Would you be willing to participate in a clinical law program <b>with</b> credit?                                                         | 164 | 8   |      |
| b. How many hours per week would you be willing to offer?                                                                                    |     |     |      |
| 0(4) 1-2 (4) 2-4 (35) 4-8 (59) 8 & over (58)                                                                                                 |     |     |      |
| c. How many credits per year should be allowed?                                                                                              |     |     |      |
| 0 (6) 1 (7) 2-3 (67) 4 & over (68)                                                                                                           |     |     |      |
| 6. Do you think that the faculty has a responsibility to the <b>law students</b> to set up a clinical law program?                           | 133 | 36  |      |
| 7. Do you think that the faculty has a responsibility to the <b>community</b> to set up a clinical law program?                              | 119 | 42  |      |
| 8. Do you feel that a clinical law program <b>can and should</b> be instituted by fall of 1972?                                              | 147 | 18  |      |

## Comments on the need for a clinical law program

"Good outlet for student energy and a chance to see curriculum in action."

"I am opposed to a clinical law program if it raised tuition more than five percent."

"Practical experience, please."

"The lack of a clinical program is one reason why I am considering transferring."

"I said that I'd work in a clinical program without credit. That's because I feel a clinical program is so important to my education, but I definitely feel that credit should be offered."

"A good clinical program to be of benefit, should be well-organized before it is put into effect. Rushing to put such a program into effect before carefully planning all aspects would serve no purpose, except to give its detractors more ammunition. I would urge that those who proceed vigorously to institute such a program with credit, but I would caution that aspects be considered before effectuating such a program. It would not serve the community or the students if such a program were instituted on a haphazard basis."

"I question the value of eighty-six hours of regular classes. Everything cannot be learned in classes, and the experience becomes repetitious."

"A clinical program is interesting and apparently the trend, but it can be done as effectively by those interested outside of school. The in-school program appears to offer no extra benefits and takes away from the standard program."

"I would hope such a program would deal with subjects other than draft counseling and welfare rights."

"It would be nice to know where the courthouse is, but I believe that the faculty of the school thinks we are intelligent enough to figure that out for ourselves."

"I think a law program can be compared to a medical one in that both require essential knowledge that can't be learned from books."

"The faculty will not listen regardless (in spite) of your efforts. They don't care."

"Summer employment opportunities are scarce. A clinical program is the only alternative for practical experience."

"W.U. has a responsibility to the St. Louis community which it does not seem to be fulfilling."

"The time that is likely to be demanded of a student during the school year would make me leery of a regular clinical program for credit. It wouldn't make sense to give eight or ten hours of credit for such a program — what you learn wouldn't warrant that."

"Don't tell — discuss. The faculty has a bit more experience, and we should listen, while taking into consideration their perspective."

"Hurry! I only have two and a half more years!"

## The role of law in contemporary society (Cont. from P. 3)

system are necessary to its operation. The courts and other legal agencies require manpower and money, as do the facilities to which the courts commit offenders and other persons in need of in-

stitutional care. Willing compliance with legal requirements by people generally is more important to the observance of law than coercive enforcement. To secure these essentials, the

still-small activities of legal educators, law students and the Bar in spreading knowledge of law and legal institutions among high school kids, college students and people gradually and greatly needed and ought to be augmented.



# Students approve new government at polls

by Dean Vance

Following the demise of January Inn, a small group of concerned law students formed an ad hoc committee to draft the framework for a new law student organization. The committee's purpose was to solicit ideas as to what type of organization the students desired if any, and to set appropriate guidelines in an attempt to avoid the past mistakes of January Inn.

One member of the Ad Hoc Committee, Bob Knowles, felt that a new organization was needed "primarily as a means of communication, in the broadest sense, between the students and the faculty—to disseminate information both ways." In their referendum announcement the committee suggested the following as possible goals for the new organization:

- (1) Establish effective inter-student communications
- (2) Establish effective student faculty relations
- (3) To sponsor appropriate student activities
- (4) To speak as the representative voice of the entire student body.

Knowles felt that January Inn failed to achieve these goals due to complacency or disinterest of the student body as a whole. He reasoned that the source of this disinterest may have been the relatively narrow viewpoint espoused by January Inn and its officers. The members of the Committee envisioned a new organization, a Student Senate, that would be "broadly representative of the student body rather than any one segment."

The Committee's first action was a referendum to determine whether a majority of the student body favored

the formation of a Student Senate. The Committee felt that over 50% of the student body must be in favor of a new organization to make it viable. Of the 444 registered law students, 302 cast votes in the Referendum. Fifty nine per cent of the total student body or 261 of those who voted favored the formation of a Student Senate. Only 41 students, nine per cent of the student body, were against it.

With these results in hand, another meeting of the Committee and other interested students was held to set up the initial machinery necessary to form the organization. It was agreed that Student Senate would work only if students felt they had a voice or a representative in the organization. Another consideration was to reduce the possibility of any one small segment of the student body gaining control. Therefore a relatively large organization consisting of 22

members (5% of the student body) was decided upon. These 22 members are to be distributed between the three classes according to class size: ten members from the first-year class, eight from second-year and four from third-year. Each student is to have one vote in the election and is to vote for a representative from his class. The highest ranking vote-getters from each class will be the representatives.

Nominations for representatives are to be accepted until Thursday, November 18. Write-in candidates will also be allowed. The election itself will be held Monday and Tuesday, November 22nd and 23rd.

After the election, the 22 representatives will be free to form any type of organization they so desire. The type of organization depends on the students elected as representatives and on the influence exerted by interested students.

## the advocate

Vol IV No. 3

November, 1971

8 Pages

# Faculty report evaluates clinical law programs

by Bill Berry

The faculty committee on clinical education has reported to the faculty on the subject of instituting a clinical law program at Washington University. The committee is composed of Professors Michael M. Greenfield, Kendal R. Meyer, and Jules B. Gerard, chairman. The report was accompanied by several letters and articles describing various clinical and trial course programs from other universities.

The report evaluated five reasons that have been presented by proponents of clinical law programs. The report acknowledges that while a clinical law program is a method of teaching "legal skills", it "does not necessarily follow that a clinical program is the best method of skills training." The committee warns that inadequate supervision and training may lead to the development of undesirable legal techniques. The "minimum essential" supervision to eliminate the risk of developing these skills is important. Furthermore, the committee noted that many of the programs they reviewed were only opportunities for pre-graduation practice with some educational benefits. There is also the problem of untrained and perhaps incompetent students being turned loose on "live people with real problems."

The report stated that very few of the clinical law programs in other law schools devoted much time to the development of interviewing skills. Only one program, located at Emory University, utilized any program to sharpen interviewing skills.

The committee rejected the theory that the law schools have a responsibility to assist in the solving of problems in society. The proper function of the law school is to train people capable of solving these problems, not to take positions on the "correctness of proposed solutions, or attempt to achieve the solution determined to be correct."

Furthermore, the committee stated that many of the community service programs require work students are unwilling to perform because it is "too difficult and time-consuming." Additional funds are required to hire lawyers to replace students during vacation and exam periods.

The report discusses possibilities of orienting the law student to the representation of the poor. In essence the report questions whether the clinical law program would teach the average law student something of what

it is like to be poor or reinforce any negative views of the poor. Proponents claim clinical law programs will expose law students to conditions of living which the average law student has not experienced.

The committee does agree with two justifications for clinical education. First, it increases the student's motivation to learn and, when carefully designed and administered, it "provides access to empirical data not readily available elsewhere."

Funding the program was discussed along with the problem of limiting the program to a certain number of students. At Harvard a cost of \$200,000 was needed for 120 students, while Wisconsin required \$100,000 for 25.

Seven recommendations were submitted by the committee. According to the report, the first six are deemed by the committee members to best achieve the legitimate goals of clinical education.

First, the Law School will accept only those programs it is able to support from its own resources. This does not mean the administration should not look for outside finances, but it does recognize that agencies giving money

for clinical programs do so for a period of two to three years. Therefore, only a program that can be supported in the foreseeable future should be contemplated.

A trial practice course is recommended to be given the first priority in providing the training in legal practice. The course is suggested to be offered each semester to a class of thirty. This proposal is now being studied by the Curriculum Committee.

The administration has compiled a list of all possibilities of volunteer work with legal organizations such as Legal Aid, Public Defenders.

A special committee was appointed to look into the possibilities of using closed circuit T.V. and video tape. There will also be an investigation into the possibility of having St. Louis County judges hold trials in the Mudd Courtroom. Also the report recommends the Moot Court Committee to reinstate the intra-mural program under faculty direction.

four clinical law programs for the faculty's consideration, which the faculty is presently studying.

A plan, presently in operation at the University of Missouri in Kansas City, enables students to litigate small property claims between cooperating insurance companies in an actual courtroom situation. This plan was the most highly recommended of the four submitted by the committee. Associate Dean Lewis Mills said the plan is now being discussed by the faculty at its weekly meetings.

(Cont. on P. 7)

## Cronin named placement head

Mrs. Joan P. Cronin, a graduate of Washington University Law School, has been named to the Law School staff by Dean Hiram Lesar. Mrs. Cronin will be in charge of placement and alumni relations beginning in early January.

Mrs. Cronin, a St. Louis resident, graduated from the Law School in February of 1970. Since that time she has been an attorney for the firm of Lewis, Rice, Tucker, Allen and Chubb. She has not yet taken the Missouri Bar Examination.

She also attended Washington University as an undergraduate, obtaining a B.A. in history in 1966. She also was awarded minors in English, music and philosophy. She transferred to the Law School after making the Dean's list in her first year of law at Northwestern University.

Her primary responsibility will be to assist students in obtaining jobs for full-time employment after graduation as well as summer employment for first and second-year students.



Mrs. Joan Cronin — A solution for placement woes

## Happy Holidays

**November 25** - Thanksgiving Day, no classes. Classes will be held as usual on Friday, Nov. 26.  
**December 22** - last day of final examinations.

**January 14** - registration for second semester.

**January 17** - classes for second semester begin.

## Attention!

The Advocate will not appear in December or January so that staff members may prepare and recuperate along with everyone else.

The next issue will appear in February

## Second Semester Registration Set

Registration for second semester will be held December 1, according to Miss Erna Arndt, Registrar.

Students will be expected to pick up registration forms in the student lounge area, fill them in with their course selections for second semester, and return them to the Registrar. Miss Arndt said the registration will be held early to enable the best scheduling possible for all students. Seniors will be given priority in course choices.

Tuition payments may be made any time before January 17. Further announcements will be posted on the bulletin boards.



# Editorials

## That time of year

The changing leaves and talk of turkey tell everyone, "It's that time of year again," but the law student has other ways of knowing that time marches on.

Professors have realized they have covered one-fourth of their material with three-fourths of the semester gone. Assignments are increased; cases worth a half-hour's discussion last month get two minutes now.

Talk of exams, with schedules, formats and outlines, preponderates. A student who last month was enjoying classes begins to feel a little queasiness in the pit of his stomach when he thinks of what lies ahead.

The library seems fuller now, and quieter. There is an underlying intensity in the faces one sees there.

People are still friendly, but the deep legal discussions and the bridge games have disappeared from the lounge.

You don't have to look outside to know it's "that time of year."

### Opinion

## Clinical law programs: another view

By Mike Doster

After reading the Faculty Committee Report on Clinical Education (see story page one), I must admit that I did not at all feel compelled to comment upon it. The malaise that currently pervades the student body had led me to believe that even exhortations from Ralph Nader would fail to revive the issue. However, I take heart in the fact that the perennial second semester "uprising" of the first year class is fast approaching. Therefore, in the hope that the proponents of a clinical law program will not be pursuing windmills, I offer some observations on the justification for such a program and my reaction to the faculty report.

In discussions concerning the theoretical justification for a clinical law program, the medical school experience has often been held to be the model from which analogies have been drawn. There is some question, however, whether the medical model is appropriately applicable to legal education. A number of differences between the two professional schools suggest that the medical model is not wholly relevant in the context of legal education (Creger and Glaser, *Clinical Teaching in Medicine: Its Relevance for Legal Education*, Clinical Education and the Law School of the Future, University of Chicago Law School, Conf. Ser. No. 20, 1970.)

First, medical decisions will many times have to be made on a shorter time scale and from a different vantage point, i.e. substantive events in law are considered largely in retrospect while reassessment is not often possible in medicine. The fledgling doctor will face the immediate demands of medical circumstances on the first day of practice, and therefore he should receive more "practice". Second, communication of the

activities of medical institutions has touched the "priorities of the basic motivating fears" of man, and the public has responded with ample funds. Third, the medical institution has traditionally maintained closer ties with the community since it has provided a large part of the community's care. Finally, there is a smaller faculty-to-student ratio in medical schools which engenders closer cooperation between faculty and students and assures greater impact of the professional model upon the individual student.

There is, however, one basic similarity between law schools and medical schools:

Both educate their matriculants to master a body of knowledge that is applicable to the solution or at least the management of human problems. In each instance, they bring their skills to bear when requested to do so by an individual for whom the problem has become significant. In short, the lawyer and doctor are both asked to assume a degree of responsibility for some aspect of an individual's life that is often very personal and important. In order to know how best to carry out such responsibility, not only in terms of how one gains and applies the requisite knowledge but also how one relates warmly and understandingly to the individual concerned, some kind of "practical" experience is invaluable (Id. at 87).

Herein, I submit, is the underlying principle of the benefits or justifications for a clinical program: adequate preparation for a professional role in society involves not only the acquiring of knowledge and skills, but it also involves relating them to the ongoing performance of that role outside the classroom. Exposure to practical experience in the legal context offers a better opportunity for the realization that the law is

not just an academic exercise, but rather a means of resolving real conflicts and problems involving real people. It is not difficult to lose sight of this function in the pages of a textbook or in the midst of a Socratic dialogue, and when this occurs the law school experience becomes a painful one for too many people.

What then does the faculty report offer in the way of alleviating this unfortunate situation?

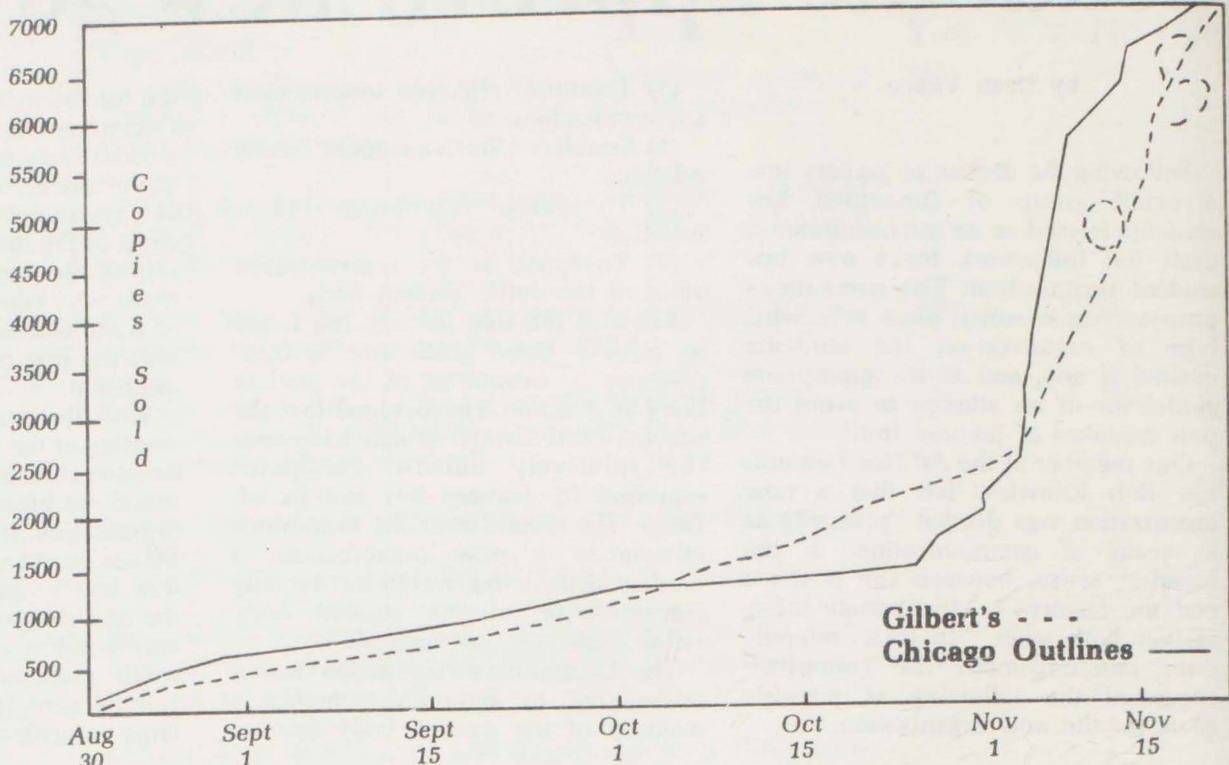
The recommendations in favor of in-school training in trial advocacy (trial practice course, visual aids, moot court, etc.) are encouraging because such training in trial advocacy is a logical antecedent or complement to a true clinical law program. Predictably, the faculty committee viewed existing programs as unsatisfactory and concluded that the demands of effective supervision and a well-structured program would make the cost prohibitive.

In finding that the current clinical law programs were unsatisfactory, the committee dealt with a number of theoretical justifications for clinical education (see the article on the report).

The committee suggests that a clinical program is not the best method of teaching legal skills for two reasons. First, the report states that "the risk of students acquiring bad techniques is endemic to clinical programs." I would question whether the risk can be said to be "endemic" on the basis of the evaluation of two programs (Cohen U. of Chi. Symp., at 204, 209). Furthermore, even if the assertion is valid it would be incorrect to fault the concept of clinical programs since the quoted authority attributes the educational failure of the two law programs to the refusal of law schools to recognize the "extraordinary educational importance" of teaching the practice of law (Id. at 204). Supervision, as the report indicates, is the key to the educational success of these programs, and there is evidence that good techniques, professional responsibility and interviewing skills, two other justifications for clinical education, can be acquired in a closely supervised program:

Not only did the cases serve to inculcate the values of preparation, they also displayed the necessity for deviating from the local practice norms when that deviation was in the client's interest. . . No one will deny that we do a largely ineffective

## Going Up!



job of teaching interviewing in the traditional law school curriculum; mostly we ignore the problem. Its quantity and variety in domestic relations make the legal aid clinic a fertile place for interviewing training (White, U. of Chi. Symp., 171 et seq.).

Secondly, the report cites a study compiled by Steven M. Fleisher, a Harvard law student, which indicated that the work done by the student-staffed CLAO was approximately as effective as the nationwide OEO Legal Service program (U. of Chi. Symp., 125, et seq.). The committee report states "if he is correct, the obvious conclusion is that the traditional law school theory is sound ("Practical skills" will be quickly acquired after graduation").

However, if a valid conclusion can be drawn from the student's report it is that the CLAO program is performing as well as Legal Service programs and that this performance may be attributed to supervision and a high level of preparation:

...it is doubtful if anything can be proved by these figures. However, it would appear fair to say that they show a program staffed by supervised students is at least holding its own in contrast with other Legal Services programs which are run by licensed attorneys. . . Although students may lack the experience and maturity of a seasoned practitioner, they are able to provide high quality service by compensating with their own advantages: supervision and a high level of preparation. (Id. at 128-130).

In rejecting another theoretical justification, the obligation to serve the community, the committee believed that it was "the proper function of the law school to train people who because of that training, are capable of solving society's problems. . ." I agree. While admittedly there are desirable collateral benefits to the community from clinical law programs, I do not believe it is the function of the law school to provide law students for service to the community. The function is to provide graduates who can ably serve the community.

Ironically, however, the law student without a clinical education is forced to spend a few years with a firm or stumble along at his clients' expense before he has the practical knowledge which gives him the ability to act upon solutions arrived at through intellectual processes.

Finally, and correctly I think, the committee agrees that the motivational justification has validity. In the medical school context clinical programs are recognized as extremely beneficial in this respect, enabling the student to relate his theoretical knowledge to the role he will assume:

The benefits conferred on student motivation can be enormous. It is a direct answer to cries of relevance, and can often serve to narrow the gap between what is held aside as theory, and what is directly brought to bear on problems of individuals in full view of our students. (Creger and Glaser, U. of Chi. Symp., at 91.)

I was encouraged further by the committee's recommendation of four clinical programs. Adoption of one of the recommended programs, together with the creation of the trial practice course, is a positive step towards alleviating the problem of properly preparing the law student for his role in society. However, the committee would limit the range of choices to "those programs which it (the faculty) is willing to adopt, and the law school is able, to support from its own resources." Apparently only initial funding can be obtained from outside agencies, and the committee believes that it is "unwise to begin a program that might have to be discontinued."

This underscores the prevalent theme of the controversy concerning the justifications for clinical law programs. That theme is cost. None of the justifications — (with the possible exception of community obligation) is inherently defective. It is only when supervision and an adequately structured program are lacking that the justifications fail. To say that we are not limited by cost considerations is ludicrous, but the faculty and administration should be encouraged to obtain that initial contribution. Successful and well-publicized programs which have important collateral benefits for the community could generate and attract additional funds.

Supervised and well-structured programs are costly and may not be presently available for large numbers of students, but I believe the opportunity should be there.

the advocate



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Non Obstante Veredicto

Of puppydogs past and present -a look at student government

By Randall Lowe

Government, as the term is usually applied in Western "democratic" circles, is a body politic comprised of elected representatives who exercise authoritative direction and restraint over the actions of men in communities, societies, and states. But does government or rather the definition of government include "authoritative direction and restraint over the actions" of less than five hundred students in a school of law or more definitively, Washington University School of Law? Or, to be more explicit, should such a definition include this group?

An analogy can readily be formed by pointing to high schools, colleges, and other law schools and unfurling the presence of their governments and the reasons for their existences. But this only serves as an explanation and not proof of need. Washington University Law School is not an institution which can easily be analogized without some grave misgivings.

In determining need and for the sake of realizing any misgivings it might be helpful to take a glance at our past. First, we come to that august body, now so recently departed, January Inn. In its initial stages it seemed likely to be most appropriate but as a puppy follows its mother and obeys her every command so did January Inn follow the administration of this school. Its chief attribute was a worthless orientation program designed to introduce incoming students to the "right of you left of you flunk out" syndrome. It also subsidized (with dues paid by unknowing students) three rather expensive parties: One in September; another over Christmas, and the third in the

Spring. But it wasn't until last year with the influx of the "radical" first-year class (who now have become and will at most remain calmly passive and docile except for the advent of our "new" government which in this case does not appear to be an exception from passivity) that things and people started to move. It started with the committees, formed and armed for change, and with the almost simultaneous event of a new regime being voted into office: the "radical" four of five (I forget which) and ended up with the administration's rejection of the committee's reports as unsigned and weekday afternoon beer parties by our newly elected officers who promised great things but fell most subtly into the old January Inn way of doing nothing. That was last year.

This year seemed different. We had all been away for the summer and had time to discard the hostility and antagonism that was heaped upon us. But then the Black students were purged and most of us returned with confusion and a new type of confrontation. Orientation was taken from us by the administration but January Inn in a counter attack scored a brutal victory in its presentation of one of the most relevant, poignant orientation programs seen at this law school. But the administration, never bending, checkmated the whole game by appointing outside selectionmen for non-voting, ever ignorant "parallel" committees. January Inn was up against the wall. If it conceded, it was functionless; if it rebutted, it would be destroyed as an unwilling organization refuting "ideal" student participation. During this time meetings were held by January Inn. The first meeting was with normal attendance (approximately fifty students); the second meeting was with the administration to discuss student grievances and the administration's past and future activities; the third meeting for January Inn affairs along with an opportunity for candidates to get on the "stump" enticed only a few transients and only a few candidates; the fourth and final meeting after a mimeographed appeal for attendance gathered only thirty or so students. January Inn and its candidates for elective office succumbed. For some it was tragic; for others

it was inevitable. But whatever the individual feelings of the students the cause is what seemed important. Was it a culmination of all the above events with the added liability of student apathy or just the latter?

In any event, we find ourselves now embarked on a similar journey: a new government, an exercise in futility. The vote was overwhelmingly for the government and the candidate box seems to be getting filled with names. But how can such previous apathy become such present concern? How long will such activism in creation remain an activism in accomplishment? There are some twenty or so representatives proposed for a school of less than five hundred. Insane. If the new government or Second Republic (as the latter seems more appropriate) is to command change confusion in numbers will reign and apathy in supporters will spell defeat. If the new government is to follow as the puppy then why twenty or so representatives? This school lives with euphemisms and innuendos. The sport-talking students are now going to become politicians, movers of an immovable administration, fighters for what is right and against what is wrong. (I don't mean to suggest that this is an impossibility, after all, look at Richard Nixon). Such a change to be effective, will only come about when baseball, football, hockey, auto racing, and the rest of our societal Roman games have retreated from the forefront of our thinking and there is no more to see except how indifference works destruction and intransigence fosters demise.

article and say, "No one is ever satisfied". This is true, but satisfaction in government should arise from accomplishment and not creation — accomplishment that is reasonably foreseeable and not creation that is futile. It is early at best to prognosticate on the impact our new government will have, and I do not pretend to have any answers, nor do I proclaim innocence from my own accusations. But I do feel that before we start down the same path it would behoove us to weigh our relative position with the administration and consequently the real need for

(Cont. on P. 7)

Get this one, sports fans!

by Jim Meredith

The following is, I hope, a very difficult sports quiz. Some will say no one could be expected to know all the answers to this collection of questions. However, a concerted group effort will yield results, for all questions were big stories when they happened and are part of true trivia. An effort has been made to deal with both the 1960's and the 1950's, and baseball, football, basketball, and track and field have been chosen as representative of the fields of knowledge to be employed. The questions are arranged from easiest to most difficult; that is, you should be able to answer number one with more ease than number two, number two with more ease than number three, and so on.

Here is the quiz, good luck. (Editor's note: a one-year subscription to the Advocate free to anyone who scores 100)

1. We are the only two managers ever to be "traded." Who are we, and what teams were involved in this unique happening?

a. b. 2. Did Elgin Baylor ever play in an NCAA Basketball final? If yes, what team furnished the opposition and who won? If no, what tournament and how far did Elgin's team go?

a. Name the last team each team in the Big Ten played when they went to the Rose Bowl, and indicate the winner. (for example, Ohio State-Stanford)

a. Illinois - b. Northwestern - c. Indiana - d. Minnesota - e. Wisconsin - f. Michigan - g. Michigan State - h. Purdue - i. Ohio State - j. Iowa -

4. I was the Associated Press All-American Team No. 1 Quarterback. Roman Gabriel, Fran Tackington, John Hadl, and Bill Kilmer were on the 2nd and 3rd Teams. Who am I, and who joined in this backfield?

a. QB- b. FB- c. HB- d. HB-

5. The dimensions of Yankee Stadium are as follows: left-301; center-461; and right-296. How did the Polo Grounds compare to these dimensions?

a. Deeper in all fields. b. Shorter in left, deeper in center, deeper in right. c. Shorter in all fields.

d. Shorter in left, deeper in center, shorter in right. e. Deeper in left, deeper in center, shorter in right. Within five feet either way give the Polo Ground dimensions.

a. Left- b. Center- c. Right-

6. I was the flop of the 1960 Olympic Games. My races were supposedly the 100 and 200 meters. Who am I, and who won each of these races?

a. b. 100- c. 200-

7. I pitched the only no-hit game between 8 October 1956 and 20 July 1958. Who am I, and who did I play for?

a. b. Team-

8. I played in both the 1946 and 1957 World Series. My lifetime Series average is .000 (I served as a pinch-hitter only), yet I did get on base once in 1957. Because of the strange and unique way I got on base I will live forever in World Series lore. Who am I, who was I batting for, and who was the opposing pitcher?

a. b. I hit for c. Opposing pitcher-

9. The 1960 United States Olympic Basketball Team was one of, if not the greatest team ever assembled. Seven players were collegians, four were from the AAU, and one was from the Armed Service Team. Name them.

a. b. c. d. e. g. h. i. j. k. l.

10. In 1954 one of the largest trades ever made took place between the New York Yankees and the Baltimore Orioles. Nine major leaguers were involved, and seven minor leaguers. Name the three Orioles who went to the Yankees, and the six Yankees who became Orioles.

To the Yankees-

a. b. c. To the Orioles-

a. b. c. d. e. f.

Appeals Court Seeks Interns

The St. Louis Court of Appeals will hire law students to assist judges in research and administration. The program, which has been developed to alleviate the workload of the justices, will offer full-time summer employment to students as well as part-time work during the school year.

Washington University, St. Louis University, and the University of Missouri have been selected to submit candidates for the program. Four positions will be open in March and those students selected will be able to work with the Court of Appeals for a year.

Criminal Law will be the most important aspect of the positions. Students will be expected to prepare summaries of briefs filed in criminal cases, research criminal appeals, pre-submission motions and habeas corpus cases, and assist in docket preparation.

Tentative salary for the positions will be \$2.50 per hour.

Associate Dean Lewis Mills said he will interview interested students for the positions. Four candidates from Washington University will be selected for final interviews with the Court. Mills said working hours during the school year will be flexible. Interested students should contact Mills immediately.

Exam schedule revised

| Date            | Morning Session<br>8:00 - 12:00 noon        | Afternoon Session<br>1:30 — 5:30 |
|-----------------|---------------------------------------------|----------------------------------|
| Mon., Dec. 13   | Administrative Law                          |                                  |
| Tues., Dec. 14  | Conflicts of Laws                           |                                  |
| Wed., Dec. 15   | Insurance                                   | Property                         |
| Thurs., Dec. 16 | Evidence                                    |                                  |
| Fri., Dec. 17   | Trade Regulation<br>Jurisprudence I         | International Law                |
| Sat., Dec. 18   | Federal Income Tax<br>Securities Regulation | Criminal Law                     |
| Mon., Dec. 20   | Uniform Commercial Code                     | Problems of the Mentally Ill     |
| Tues., Dec. 21  | Debtor-Creditor                             | Labor Law I                      |
| Wed., Dec. 22   | Estate Planning I<br>Torts                  | Urban Legal Systems              |

Vultures prey for ice win

Von Glan's Golden Vultures soared past Sears' Slippery Seals last week 13-10 in a hotly contested hockey match held at Shaw Park in Clayton.

The lead in the contest changed hands eleven times, but finally it was the awesome offense of the Golden Vultures which prevailed. Dave Lindgren topped all scorers with five goals and innumerable assists. Arthur O'Neil also pulled off the hat trick for the winners, while Tom Boardman scored three for the fallen Seals.

The Seals held the lead in the final five minutes, but quick goals by Lindgren, Ken Brown and Jim Mendillo turned the tide.

Bill Von Glan was sharp in the nets for the victors. Steve Biesantz was not so hot for the losers.



# The incorporation of Black Jack: fair or foul?

by Randall Lowe

(Editor's note: This article is the second in a three-part series on the Black Jack controversy. In it, Lowe discusses the facts of incorporation, an issue which has led to much litigation.)

The petition for the incorporation of the City of Black Jack was presented to the County Council on the 25th day of June, 1970 pursuant to Section 72.080 R.S.Mo. 1969 which states in part that any city or town presently unincorporated may be incorporated as a city or town of the class to which it is entitled "whenever a majority of the inhabitants of any such city or town shall present a petition to the county courts of the county in which such city or town is situated..." The petition was then referred to the County Counselor's office for advice on the proper procedure; the petition then came again before the County Council on July 9, 1970 and was referred to the County Supervisor for investigation of the allegations of the petition by the appropriate County Departments. The petition was then returned to the County Council on July 23, 1970 for its consideration and was set for a public hearing on July 30, 1970 at which Roy L. Bergmann, Attorney at Law, and Busch, Ossenfort and Baine, Attorneys at Law, appeared as counsel for petitioners, and Carrol J. Donohue and Samuel H. Liberman, Attorneys at Law, leave having been granted, appeared as amici curiae.

The County Council stating that it heard and considered "all and singular the matters presented to it and being sufficiently advised of and considered the premises" found:

1. There are approximately 2,346 taxable inhabitants in the area and that the petitioners bear the signatures of approximately 1,472 persons.

2. That the area described in the petition included more than 500 inhabitants and less than 27,500 inhabitants; specifically, that the population of the area can be estimated at approximately 3,900 inhabitants.

3. That, from the standpoint of ability to provide a normal municipal level of services at a reasonable level of taxation, the proposed incorporation is viable.

4. That, except for 97 acres in the flood plain, the area is developed or suitable for urban development; that the proposed city centers around a long established area; that the proposed boundary lines reasonably delineate an existing city and its dependent suburban area; that the area proposed to be incorporated is similar in character to many existing cities and towns in St. Louis County.

The Council found further that under Section 72.080 there was an existing unincorporated city or town of Black Jack and that the Council had no power "to deny the incorporation of a third class city under the law and evidence presented." The city of Black Jack was thus incorporated.

In order to fully appreciate the resulting confusion and conflict of the Council's decision it is necessary to review the law and evidence submitted before the Council for their determination.

A letter dated July 6, 1970 from Carroll J. Donohue of Hush, Eppenberger, Donohue, Elson, and Cornfeld stated the case against incorporation for

one of the opponents, Trailwoods Development Company. Trailwoods had purchased approximately 180 acres of land in the area that was and is now incorporated. This acreage had been planned for development, plots were recorded, and lots had been sold on the reliance that this area would remain unincorporated.

In asking for a public hearing on the matter Trailwoods stated that the request did not conform to the statutory or ordinance standards governing incorporation. They contended that there was no pre-existing city or town as required by both Section 72.080 R.S.Mo. as well as Chapter 401 SLCRO; that the area did not consist of a compact center of population and had no cohesive character both of which are characteristic of an urban community; that the petition for incorporation did not specify to which class the proposed city belonged to by demonstration or statement of the number of taxable inhabitants nor did it contain a proposed budget along with the assessed valuation of all the property located in the area with anticipated revenues, expenditures, and municipal services to be rendered all as required by County Ordinance Chapter 401. In conclusion, Donohue stated that aside from the legal requirements the incorporation of this area would lead to further "balkanization" of St. Louis County and that "this type of incorporation request...would not be founded on a real conviction that a municipal corporation is needed but on the theory that some isolated problem could be more advantageously disposed of if it were situated in a municipality rather than in St. Louis County".

A report dated July 9, 1970 from the County Counselor to the County Council stated that the petition for the incorporation of Black Jack failed to indicate the class of city which it is to be. But it was the County Counselor's opinion that this defect was not a jurisdictional lack barring the Council from any further proceedings and that adequate population information could be subsequently presented on which to base a final order. Since the officers of a third class and fourth class city are different, the population of Black Jack had to be established. The report of the County Counselor also stated that from certain tax lists submitted to them that "it would appear that a majority of the listed tax payers of the proposed city, have, in fact, signed the petition; and further that information of the total population of the proposed city was unavailable at that time. It was also admitted in the report that the petitioners did not comply with Chapter 401 in submitting all of the streets and their names, the school districts, the sewer districts, the water and fire districts although these items could be readily obtained in County records. Also, as stated by Donohue, there was no budget proposal.

The problem at this stage, as noted by Donohue in his letter and admitted to by the County Counselor in his report, was that the petition to incorporate Black Jack did not contain all of the required information. The attorney's for petitioner stated that they were not bound by Chapter 401, and that they intended to follow only so much of it as is

"inimical to incorporation procedure under Section 72.080

R.S.Mo. 1959". Donohue replied that this was a matter for the courts and was not to be taken up with the County Council. The County Counselor, on the other hand, stated that the problem can not be solved by mere construction of the ordinance "but presents the issue squarely as to whether or not Chapter 401 is valid and within the Council's power to enact" and further stated that it would be pre-mature of them to express an opinion on this question at that time. But in conclusion, the County Counselor said if petitioners failed to demonstrate the facts necessary for incorporation under Section 72.080, their failure to comply with Chapter 401 would be unimportant, and "the issue here presented need not be immediately resolved".

Fearing the proposed incorporation Mr. and Mrs. Kurt Renison, residents of the upper northwest "boundaries" of the proposed incorporated area of Black Jack presented what they called "some grave misgiving in the matter" in a letter to Councilman Stewart, then Chairman of the Council. The Renisons had bought property in the unincorporated area for the specific purpose of securing the services which the County provides. They were concerned that a village or town the size of Black Jack would be unable to meet the demands for these services and due to lack of any industry in the area this could only come about through increased taxes. They posed questions as to who determines the boundaries and what was the motivation for incorporation (questions which became of great importance in the later proceedings). But more

## Health law program at Pitt

The University of Pittsburgh Graduate School of Public Health has been awarded a training grant by the United States Public Health Service to prepare law school graduates for careers as legal advisors to state and local health departments, federal health agencies, and voluntary organizations and institutions concerned with providing health services.

Students admitted to the Health Law Training Program are eligible to receive stipends of \$500 per month with additional allowances for their dependents. They will also be eligible to have their tuition paid for them.

The one year academic Program which leads to a Master of Public Health or a Master of Science of Hygiene degree, is designed to develop the student's understanding of public health, health administration, and to enhance his or her capabilities to work with clients in the health field. The student's academic work will be tailored to fit his or her individual needs, and the students will participate in providing legal services on health matters under the supervision of faculty and practicing attorneys. The School will attempt to assist students in placement upon completion of the program.

Six students will be accepted for the academic year beginning September, 1972. Further information can be obtained from Nathan Hershey, Professor of Health Law, Graduate School of Public Health, University of Pittsburgh, Pittsburgh, Pennsylvania 15261.

importantly, they questioned the validity of the petition in constituting the required legal majority. According to the text of a pamphlet issued by the Citizens Committee for the Incorporation of Black Jack "taxable inhabitants" are those whose name appears on the current year's tax role for personal or real property. "However", stated the Renisons, "it encourages to disregard this legal requirement by stating: 'Regardless of whether or not your name appears on this year's tax role, the committee encourages all residents to sign the petition who are 21 years of age or older and who own either real or personal property. This should be virtually everyone who is 21 or over.' The Renisons further stated that many persons moved into the proposed area in recent months thereby not placing them on the tax roles. The Renisons not only questioned the total number of residents, but specifically "the number of petitions signed, as legally accurate". They referred to their knowledge of one

resident, who even though not within the proposed boundaries, collected signatures for the petition implying that signatures were obtained outside of the boundaries.

In a supplemental report by the County Counselor dated July 29, 1970 it was stated upon their findings in conjunction with the County Assessor's office and "indulging in the strictest possible presumptions with regard to the signatures on the petitions filed" and with the appropriate deletions (29 signatures were found invalid on their face: 24 duplicate signatures; 3 out of the area; and 2 signatures in the form of "Mr. & Mrs."), 1,313 were apparently valid signatures, or 56.0% of the adult population (discounting emancipated minors as negligible) as estimated by the Department of Planning which under Section 72.080 constituted the required majority of taxable inhabitants in the area specified for incorporation.

Next issue: The Public Hearing and Unconstitutional Motivation.)

## Justice is as justice does

### The Crime of Punishment

by Carl Menninger

The Viking Press, 280 pp.

Carl Menninger is a psychiatrist, one of the nation's most prominent. From years of serving on parole boards and committees for penal reform and from his professional knowledge of human behavior, he has formed a unique opinion of American justice.

This holy principle, which has motivated lawyers and legal systems for two hundred years, is vengeance, couched in terms of social acceptance.

"... when justice is 'meted out', justice is 'served', justice is 'satisfied' or 'paid'. It is something terrible which somebody 'sees to it' that somebody else gets; not something good, helpful, or valuable, but something that hurts. It is the whiplash of retribution about to descend on the naked back of transgressors." (p.11)

Menninger feels, in an era of rising crime rates and recidivism, that society has placed too much emphasis on 'justice' and too little on curing offenders. A woman convicted of shoplifting the second time will get no more from the resulting prison term than she did from the first. Society however, in the name of justice, will lock her up, release her, and say she has 'paid her dues'. In fact, she has become no less prone to shoplift. Statistically, she will probably commit the same crime a third time.

But the lawyers, the judges, and the public quietly sanction this 'revolving door principle of penal justice.'

Menninger feels that more could be done. Scientific knowledge of human behavior could be used to cure, not merely detain, aberrant personalities. Punishment, based on revenge, could be replaced by penalties, designed to compensate the present victim and prevent future victims. Instead of asking if a man is insane under the M'Naughten Rule,

some form of mental illness which must be treated.

The law has too-long ignored the impressive knowledge of human behavior which scientists have uncovered in the last century. If we can cure criminal behavior with scientific methods, why do we instead close the criminal behind prison walls, without help, without hope?

Menninger has little trouble convincing the reader that gross inequities are fostered by our present system of criminal justice. Extensive research and documentation are used to indict the system and the people who perpetuate it.

Menninger is not a lawyer, but he evidences a sound grasp of the complicated juridical principles. Perhaps it is his non-legal viewpoint coupled with a keen understanding of the legal problems involved, which allows him to comment as perceptively as he does. He is not fettered by legal tradition. He is able to question and criticize the basic foundations our penal system because he is not a part of it. Students of law will find this book provocative. It suggests not only what is wrong with our treatment of criminals, but what can be done about it.

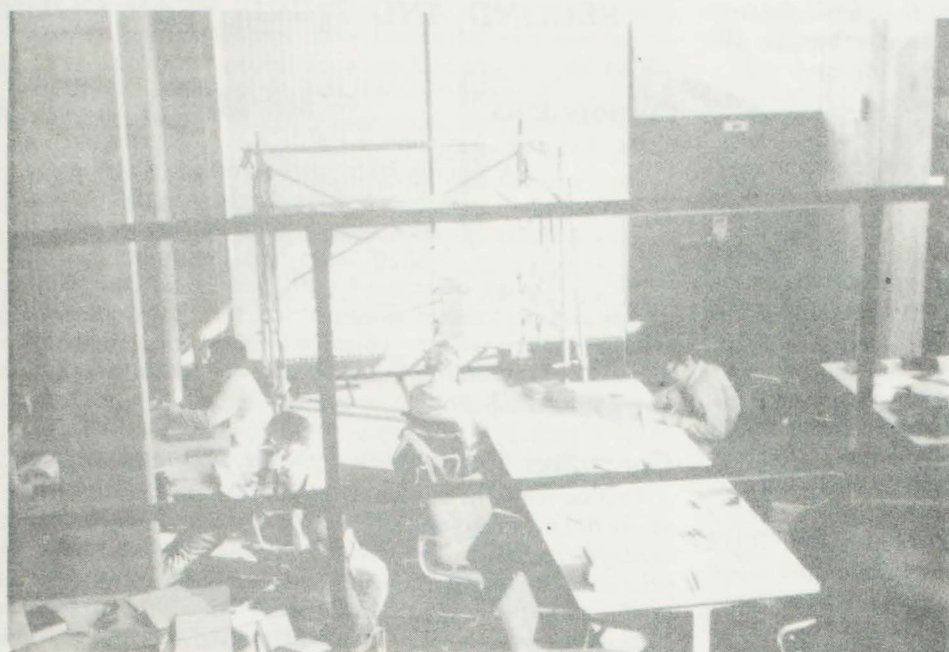
It is only in the solution that Menninger's argument is weak. Increased psychiatric care, new court procedures, better training for prison staffs, innovative treatment programs, all of these require money, far more money than the public has yet devoted to penal reform.

It is public apathy toward the need for reform which most seriously weakens Menninger's call for change.

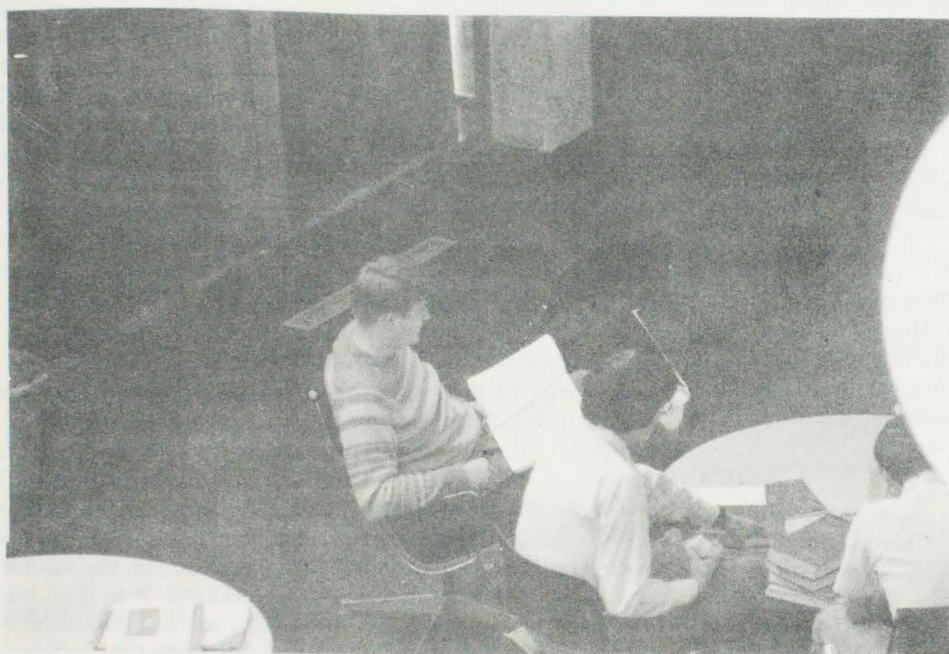
The reader must admit, as Menninger does, that very little reform will occur in our courts and prisons. It is as though his proposals are the sound and the fury signifying - we must all shamefully admit - nothing.



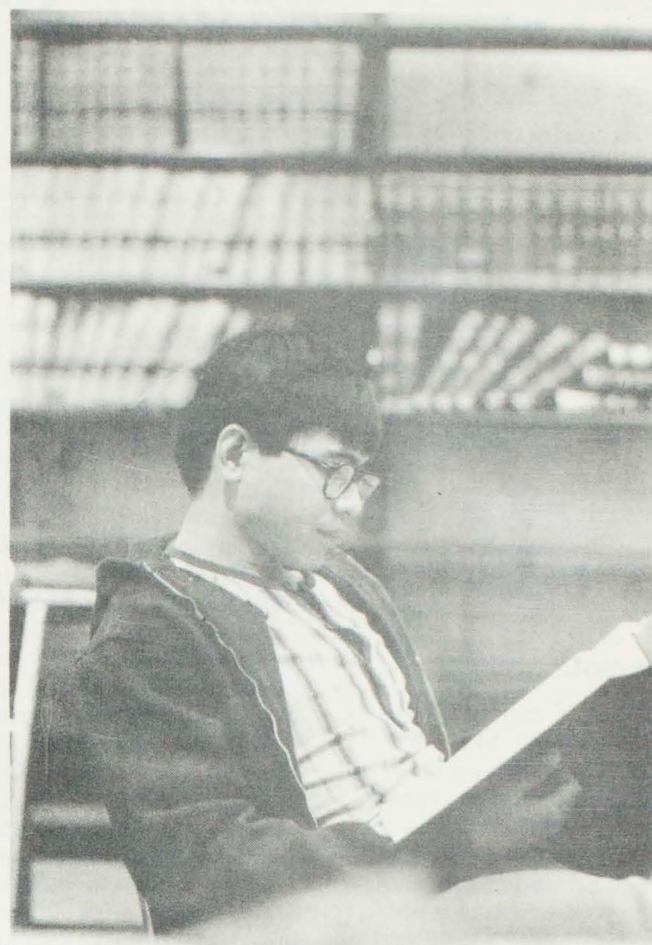
## Booking it



*In the library*

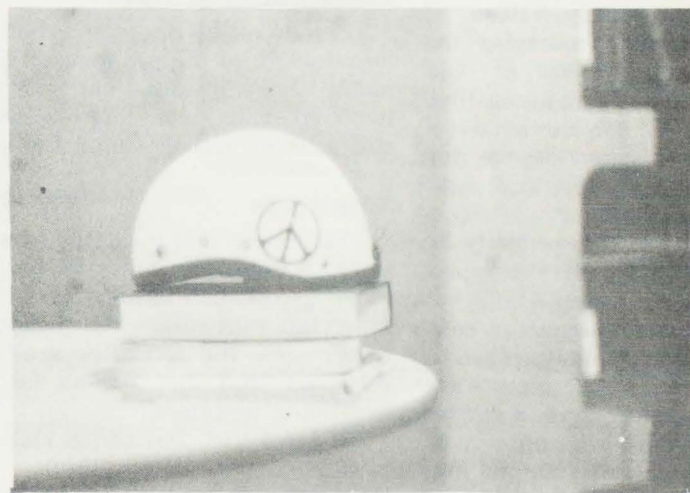


*With friends*



*By yourself*

*In the endless search*



*For knowledge*

### Case Comment

## Kansas City v. Kindle: Compensation Zoning

by Randall Lowe

"Zoning with compensation" was a term first employed by the Missouri Supreme Court in *City of Kansas City v. Kindle* 446 S.W. 2d 807 (Mo. Sup. Ct. 1969). There the court stated:

"Zoning with compensation" is joint [sic] exercise of power [sic] of eminent domain and police power and it is zoning with extraordinary consideration for property owners involved for it compensates those whose property rights are taken in process, whereas, in conventional zoning, an individual suffering hardships because of special circumstances receives no compensation (446 S.W. 2d 807, 813; Words and Phrases 46:558).

The Kindle case was a condemnation case brought under a zoning ordinance providing for compensation to property owners damaged thereby. The property was not actually taken but merely restricted to single-family dwellings thereby creating a hardship for those multiplefamily dwellings in the area. A benefit district was established whereby monies could be raised for compensation.

### Precedents

The term "zoning with compensation" has never been used since the Kindle case and was never used prior to that time. But precedent is not lacking for the mere lack of the term does not invalidate the lack of this

In *Attorney General v. Williams* 55 N.E. 77, 47 L.R.A. 314 (Mass. Sup. Ct. 1899) the City of Boston passed an ordinance paying compensation for easements of light, air, and space in disallowing buildings over a certain height which would destroy or hinder the use and public benefit of a park. Although the statute pertained to buildings "now being built or hereafter to be built, rebuilt, or altered" (see Stat. 1898, Chap. 452 Boston, Mass.) and not retroactively as in the Kindle case it was still a restriction on the use of property without an actual taking for which compensation was provided to those damaged thereby. The court in the Williams case stated that such a statute would come under the guise of the police power but due to the fact that compensation was paid it placed the statute under the city's power of eminent domain. Both powers applied but the court feeling it should make a determination as to what label to place on it did just that, i.e. "zoning with compensation" (cf. the creativity of the Missouri Supreme Court).

### "Taking"

A more direct statement as to partial "taking" was made by the New York Appeals Division Court in *In re City of New York (Matter of Clinton Avenue)* 68 N.Y.S. 196 (1901), 57 App. Div. 166. In this case the City of New York passed an ordinance requiring a certain Clinton Avenue to be increased in

order that courtyards providing scenic beauty may be built thereby damaging property owners whose lots abutted said avenue. With this hardship in mind the ordinance provided for compensation. Significantly the court stated:

Conceding that the legislature has the power to increase the width of Clinton Avenue; that it would be justified in taking possession of private property for this purpose upon the payment of just compensation—we are of the opinion that it has the right to take a lesser estate in the property that would be necessary for a complete dedication to the use of the public, and that the use is none the less public to the extent to which the property is taken, because it is left in the partial control of the present owners. (68 N.Y.S. 196, 200). (Italics added).

This case plainly establishes the fact that property may be restricted prospectively as well as retrospectively provided compensation is given; and, also, that the governmental body need not take the subject property in order for condemnation.

### Minnesota

In *State of Minnesota ex rel. Twin City Building and Investment Company v. Houghton* 174 N.W. 885 (Minn. Sup. Ct. 1919), 176 N.W. 159, 8 A.L.R. 585 (Minn. Sup. Ct. 1920) the court stated that an ordinance which restricted a residential district

against the erection of apartment buildings) under the power of eminent domain if for a public use. In *Commonwealth v. Boston Advertising Co.* (1905) 188 Mass. 348, 69 L.R.A. 817, 108 Am. St. Rep. 494, 74 N.E. 601, it was held that forbidding the use of land near a park of parkway for advertising purposes amounts to a taking of it for public use, for which compensation must be made (contra. *Penn. Mut. L. Ins. Co. v. Phila.* (1913) 242 Pa. 47, 49 L.R.A. (N.S.) 1062, 88 Atl. 904 but this dealt with actual taking for resale with restrictions). The courts in both these cases based their findings on the phrase *sic utere tuo ut alienum non laedas* (use your own property in such a manner as not to injure that of another) and felt that when the absence of a restriction of use depreciates land values, gives occasion for extortion (by a person purchasing a lot and then spreading the word that an apartment project will be built thereby forcing the adjacent low owners to buy the land at an exorbitant price in order to protect their interests), and creates diminished aesthetic values among the citizenry such restrictions as are necessary to correct these conditions is within the grasp of government under either the police power or the power of eminent domain. These guidelines (if one may call them that) are not as stable as most jurists would like but the courts in these cases importantly recognized the use of negative restrictions as a proper function of the state although

under which label the courts were not determinative.

### Liebi

An ordinance which prohibited the erection of any structure within a specified distance of a certain street and any structure for business purposes, including gasoline filling stations, and billboards, and providing compensation for persons damaged by such restrictions was held a valid exercise of the power of eminent domain in *Kansas City v. Liebi* 252 S.W. 404, 28 A.L.R. 295 (Mo. Sup. Ct. 1923) (*In re Kansas City Ordinance No. 39946*) and further that no provision of the Federal Constitution was violated by a restriction imposed by a municipality on the use of property along a certain street with compensation. In this case damages were to be awarded through the use of a special assessment on property within a benefit district (for a similar plan see Kindle case, supra). Again, there was a "partial taking" which was upheld by a court of law.

There are cases which have held ordinances imposing restrictions on use to be unconstitutional but these opinions stated that the ordinances in question would have been valid had they provided for compensation (see *City of St. Louis v. Hill* 116 Mo. 527, 22 S.W. 861, 21 L.R.A. 226; and, *St. Louis v. Door* 145 Mo. 466, 41 S.W. 1094, 46 S.W. 976, 42 L.R.A. 686, 68 Am. St. Rep. 575).

The opinions cited in the (Cont. on P. 6)



## Case Comment

(Cont. from P. 5)

preceding pages are only a few of the many examples of cases holding that restrictions by a governmental body on the use of property provided compensation is paid to those damaged thereby is constitutional. Although the term "zoning with compensation" is not employed in these opinions the ordinances are similar to that in the *Kindle* case. In fact, the *Kindle* case cited the ordinance in *Liebi* as the form used in the *Kindle* case. To avoid confusion the term "zoning with compensation" should not be used (see attached letter) in order that its history may be viewed in the purest light.

### To promote welfare

The purpose of zoning as set out in § 89.040 RS Mo. 1959 V.A.M.S.) is to wit: "...to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population..." and zoning regulations shall be made "with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the values of buildings and encouraging the most appropriate use of land throughout such municipality" (§89.040). The constitutional test of zoning is based on the due process clause, and the prohibition against the confiscation of private property for public use without just compensation.

The state of Missouri in comparison to other states such as New York, New Jersey, and Massachusetts has handled relatively few zoning cases. Even so, Missouri has established over the years some criteria for determining the constitutionality of zoning ordinances (see Mo. L. Rev. 35:572). Although these criteria run throughout most of Missouri's zoning ordinance cases, the courts still hold that each case is unique, must be considered on its own facts, and that no single factor is controlling (see *Ewing v. City of Springfield* 449 S.W. 2d 681, Mo. L. Rev. 35:572, 573). These criteria are:

The use to which nearby property is put, and the authorized land usage or zoning of nearby property; the hardship imposed on the complaining landowner and the extent to which the value of his property is diminished; the effect which removal of the restriction would have on the value of other property in that area; and the relative gain to the public as compared to the hardships imposed on the property owner. (*Ewing* case at 689-690).

The courts feeling that the legislature's power is not theirs review the facts which are relevant to the particular case, apply the ordinance to the subject property, and then conclude whether or not it is "discriminatory, arbitrary, capricious, and confiscatory." (Mo. L. Rev. 35:572,574).

### "Balancing"

The courts in Missouri also employ a "balancing of interest" test which is "the public benefit which the ordinance is intended to confer 'balanced' against the hardship placed upon the individual property owner". If the balance is with the public or if the issue is fairly debatable then the ordinance must be upheld placing the burden on the complainant. (Mo. L. Rev.

# Second semester course descriptions

(Editor's note: Faculty members were requested to submit descriptions of those courses they will be teaching next semester. We would like to thank those who took the time to do so.)

## FIRST YEAR COURSES

### Civil Procedure

Mr. Haworth

4 hours

This course does not concentrate on procedure in any particular jurisdiction (although federal procedure will be emphasized heavily), but lays the basic groundwork for more specialized study later in the student's law school career. Procedure courses have been described as dull, interesting, hard, mysterious, easy, useless, and indispensable. My course will probably be all of these things and at least one more — practical. The basic subjects I intend to cover include jurisdiction (over persons and things), venue, pleadings (with a touch of legal history and perhaps some practical experience), the size of litigation (herein of joinder and other devices), discovery, an introduction to trials and appeals, and a look at the binding effects of decisions (for example, res judicata). These subjects are sometimes described as "adjective" law. By May, 1972, I believe that two sections of first year students will see that cases are won and lost on the adjectives just as easily as on the nouns.

My teaching method is basically Socratic. Class attendance and preparation are required. Evil consequences fall upon those students who disregard either requirement.

### Civil Procedure

Mr. Meyer

4 hours

A study of the conduct of civil litigation, including selecting the proper court, available remedies, pleading, discovery, pretrial motions, jurisdiction, parties, and the effect and enforcement of judgments. The case book will be *Cound, Friedenthal & Miller*.

### Constitutional Law

Mr. Beutel

4 hours

The role of the Supreme Court in constitutional adjudication; an introduction to the problems of federalism as illustrated by Commerce Clause litigation and selected Civil Rights Statutes; substantive civil rights, including the freedoms of expression and religion and selected constitutional limitations on criminal procedure.

### Contracts

Mr. Greenfield

4 hours

This course will study the legal incidents of consensual transactions. Among the topics to be considered are the elements that make agreements enforceable, the ways in which those elements may be expressed, the obligations imposed by enforceable agreements, the remedies available when those obligations are breached, and the reasons for and methods of terminating or modifying agreements.

Required text: Dawson & Harvey, *Cases on Contracts and Contract Remedies* (2d ed. 1969)

### Legal Process

Mr. Kelley

3 hours

In this course we will analyze limitations on judicial action in the common-law system by studying sets of cases that present three recurrent problems: judicial development of new common-law doctrine; judicial reformation of established common-law doctrine; and judicial construction and application of statutes.

Text: Mishkin & Morris, *On Law In Courts* (Foundation Press, 1964). Supplementary cases and materials.

35:572,575)

The restriction may prevent the landowner from putting his property to its highest and most effective use but will not be unreasonable. (*Downing v. City of Joplin* 312 S.W. 2d 81, 85 [Mo. Sup. Ct. 1958]). But a restriction which prevents all effective use is a confiscation and compensation therefore is required (see *Hutteg v. City of Richmond Heights* 372 S.W. 2d 833, 842, [Mo. Sup. Ct. 1963]).

Such is the situation with the Missouri courts. Concepts such as "zoning with compensation" are becoming favored more and more by this state and the general trend appears to be a liberal approach to zoning ordinances.

### A powerful tool

"Zoning with compensation" or restrictive zoning with compensation is a very powerful tool for it not only falls under the auspices of the power of eminent domain but also that of the police power. It therefore, if applied reasonably, can withstand any constitutional argument against its use.

Its uses are many ranging from the protection of aesthetic values to commercial values but most importantly it can be employed in removing the awesome problem of non-conforming uses. There has

been much concern and talk lately on an appropriate mode of terminating non-conforming uses such as by the police power, by eminent domain, by a nuisance theory, or by amortization, (see Iowa L. Rev. 55:998 Ap' 1970). The theory or concept of "zoning with compensation" would employ the first two which as Mr. Stephen Sussna states:

...legislatures ought not to prevent municipalities from using zoning regulations retroactively. The future development of zoning may show that his power to oust nonconforming buildings and uses in certain cases is most important.

This is not as shocking as it first sounds because — 'if the police power can be invoked to prevent a new non-conforming building because of its relation to community health, safety, morals, convenience, and general welfare, it follows that the police power can be invoked to oust existing nonconforming uses' (Edward M. Basset, *Zoning* 105 (New York) New York: Russel Sage Foundation, [1904]). (Sussna, Conn. B. J. 44:589,592, Basset, p. 116).

(Cont. on P. 7)

## SECOND AND THIRD YEAR COURSES

### Corporations

Mr. Mills

4 hours

(alias Business Associations II)

A young fairy who lived in Khartoum

Took a lesbian up to his room

And they argued all night

About who had the right

To do what, and with which, and to whom.

This course focuses primarily on the distribution of power and responsibility within corporations among officers, directors, shareholders, creditors, etc., to-wit: who has the right to do what and with which and to whom.

### Consumer Protection

Mr. Greenfield

3 hours

This course will consider the relationship between the purchaser of goods, services, and credit and the seller of goods, services, and credit. The course in Debtor-Creditor Relations, which focuses primarily on the post-judgment incidents of the debtor-creditor relationship, is not a prerequisite for the course in Consumer Protection, which will focus primarily on the pre-judgment incidents of that relationship. Among the topics to be covered are the forms and regulation of consumer credit; false, deceptive, and oppressive sales practices; oppressive security devices; collection tactics; and debtors' remedies, including private and public remedies, both civil and criminal.

Attendance and classroom performance probably will be used, along with the closed-book final examination, to determine final grades for the course. The non-exam factors may be used both in the negative sense of reducing a grade received on the exam and in the positive sense of increasing a grade received on the exam. The exact extent to which an examination grade might be affected by non-exam factors has not been determined yet.

Required Texts: Kripke, *Cases & Materials on Consumer Credit* Benfield, *New Approaches in the Law of Contracts*.

### Criminal Justice Administration

Mr. Miller

4 hours

The scope of the course may be simply stated. It ranges over the most important problems which arise in the day-to-day administration of both the criminal justice and juvenile justice systems in the United States. Although many of the problems may be conceived as basically arising because the Constitution of the United States limits both the criminal and juvenile justice processes, it would be misleading to describe the course simply as an advanced course in Constitutional Law. It is that, but it is more than that. Many problems arise because the choice must be made among courses of action all of which are clearly within the range of the constitutionally permissible. From a pragmatic point of view at least, those are the most important problems. The other important point about the course's scope is the emphasis placed on actual administration as it occurs on a day-to-day basis. That concentration permits students to acquire a more sophisticated approach to the formal law rules announced by legislatures and appellate courts, and a more realistic view of the worth of proposed solutions to problems. So much for scope.

Of great importance to current law students is advance knowledge of the ground rules for their courses. They are few, and they are simple.

(1) No student may attend class unless he is fully prepared in writing. The sanction for the first violation by a student is exclusion for the remainder of the class period in which the violation occurs. (Of course, a student may ask that the rule be waived as to him on a particular occasion by informing me in advance of class that he is not fully prepared and offering an explanation for that lack of preparation that is acceptable to me.) The sanction for a second violation is exclusion from the course.

(2) Attendance is mandatory. Excuses for non-attendance are not relevant. Obviously some students will miss some classes. Absence from more than 15% of the classes will result in automatic exclusion from the course.

(3) The use of commercial outlines is not forbidden, but "preparation in writing" means that the student must write his own briefs of the cases or summaries of the statutes, notes, articles, etc. Thus, the use of canned briefs is forbidden.

(4) The examination will be the typical law school examination taken within a specified number of hours. It will not have objective components. Students will be permitted to bring their briefs and summaries of the assigned materials, or of any other materials they regard as helpful, but neither canned briefs nor commercial outlines can be brought into the examination. Nor may a student bring a copy of someone else's outline unless he has participated proportionately in the preparation of that outline. (Obviously, a student may not bring with him some one else's briefs of cases or summaries of assigned material.) In short, a student may bring with him his own work-product, including his own class notes, and nothing else. The case-book or xeroxed copies of articles or chapters from books or of cases do not constitute the student's own work product for this purpose.

(5) 1419 pages of the case-book will be covered.

### English Legal History

Mr. Helmholz

2 hours

We cover the development of the forms of action, the elaboration of substantive law in the later medieval period, and the constitutional problems of the 17th century. We aim, first, at an understanding of the case law itself and, second, at an appreciation of the relation between law and history.

Class work is done largely with translated cases, and the discussion method is followed. There is also some required reading in secondary material. The course was available to law students last year on a Pass-Fail basis, but it is my understanding that it can now be taken for a grade.

This course is offered jointly by the Law School and the History Department.



## Second and third year courses

### Estate Planning II

Mr. Becker

3 hours

Just as the title suggests, this is a planning course. It is a course which focuses primarily on the creative role of the lawyer as a counselor, planner and draftsman. The student is exposed to the task of perceiving potential problems attendant the subject of the plan, resolving these problems, and implementing solutions which achieve desired objectives. The particular planning function under study concerns the donative disposition of property — the settlement of the family estate. This course focuses on the law of future interests to illustrate the kinds of problems which arise in perceiving relevant eventualities and providing necessary solutions. The casebook used will be *Future Interests and Estate Planning*, by Leach and Logan. The first year property course is the only prerequisite.

### Environmental Controls

Mr. Becht

3 Hours

This course is based on a casebook which I am slowly building up with the help of many students: Frederick Cass, Frederick Huff, Mrs. Susan Glassberg (1970-71), and Mrs. Joan Newman, Mrs. Belle Cori, and Alan Nettles, who are currently doing research (1971-72).

The purpose of this book is to teach the common law remedies, defenses, (of which there are too many), and statutory remedies, including administrative regulations, as well as ordinances, zoning regulations, etc. This material covers air and water pollution, pesticides, noise and thermal pollution. I hope to be able to find material on aesthetics sooner or later.

The common law remedies are trespass and nuisance and it is rather like restitution because the cases shift back and forth from common law to equity and back to common law again. This is also a good course in which to learn something about the way equity operates.

I believe this is one of the most important courses in the curriculum at the present time. This is partly because I believe it would be better perhaps not to have as many statutes and administrative regulations as we now have. I am not convinced that the statutes are actually improving the law. You would have to take this course to understand why I think this is true.

### Federal Jurisdiction

Mr. Meyer

3 hours

The federal question, diversity, and removal jurisdictions of the federal courts; a more comprehensive and detailed examination (than in Constitutional Law and Conflict of Laws) of some of the pervasive problems of federalism, such as conflicts between state and federal laws; conflicts of jurisdiction between state and federal courts; federal injunction of state court proceedings; civil rights removal cases; habeas corpus proceedings; and the mandatory use of federal law in state courts. The case book will be Forrester, Currier & Moye.

### International Law II

Mr. Dorsey

3 hours

This course uses the common law process experimentally for the purpose of development of international law. The materials are fact situations of recent and current international and civil conflict. Students are assigned as counsel for one of the parties in cases such as intervention in the Dominican Republic, United Nations in the Congo, the divided Germany problem, and the Southeast Asian conflict. Student counsel are expected to develop theories that will protect the interest of their assigned client and that will provide support for the adoption of new rules of international law that are adequate for the issues underlying social and ideological conflicts. After discussion of the fact situations and possible theories, student counsel will prepare written briefs and make oral arguments before the other members of the class. The written work requirement will consist of a revised brief in the case in which the student has served as counsel and a memorandum in each case in which he serves as a judge. Open to students who have had International Law I. Material, Dorsey, *International Law and Social Change* (mimeographed).

### Jurisprudence II

Mr. Dorsey

2 hours

A study of law and social change in industrial and post-industrial society. Analysis of the role of law in social changes incident to industrialization in Germany, Russia, Great Britain, and the United States. Study of possible grounds for ordering principles and institutions in the social conditions in post-industrial societies and in contemporary philosophical ideas, including the philosophical premises of social critics such as C. Wright Mills, Herbert Marcuse, Paul Goodman, Norman O. Brown, and R.D. Laing will be taught as a seminar with weekly discussion of assigned reading, but with independent research. There will be an examination rather than a paper.

Material, Dorsey, *JURISCULTURE* (mimeographed), paperback books and books on reserve.

### Land Transactions

Mr. Becker

3 hours

Generally, this course studies the land transfer process. Subjects covered in past years include: 1. the real estate contract — a. the oral contract, the doctrine of part performance, the written memorandum, parol modification and rescission, b. the written contract, time for performance, financing arrangements, merchantable title, c. equitable conversion; 2. the deed — a. types of deeds, b. execution and delivery — the escrow, c. the subject matter conveyed; 3. the recording system; 4. methods of Title Assurance; and 5. other interests created by conveyance or agreement — easements and covenants. The casebook used will be *Property, Cases and Materials*, by Cribbet, Fritz, & Johnson. The first year property course is the only prerequisite.

### Legal Profession

Mr. Kelley

2 hours

In this course we will examine the lawyer's responsibilities to his clients, to the courts, to his profession, and to society. We will consider ethical standards that define the conduct necessary to fulfill these obligations and ethical problems that arise when the lawyer's obligations seem to conflict.

Text: Countryman & Finman, *The Lawyer in Modern Society*, (Little, Brown & Co. 1966). Malott, *The Lawyer in Modern Society*, 1971 Supplement (Little, Brown & Co. 1971). Additional supplementary paperback books may be assigned.

### Natural Resources

Mr. Boren

3 hours

Oil and gas as a model for the manner in which rights in natural resources are created and limited; basic aspects of taxation of natural resources.

This course will be taught by the case method from Williams, Maxwell and Meyer's *Cases on Oil and Gas*. Students will also be required to have the Internal Revenue Code and Income Tax Regulations. If time permits we will also study some elements of water law from mimeographed materials. It is not likely that time will permit.

### Regulated Industries

Mr. Bernstein

3 hours

Regulated Industries will concern itself with the special legal rules applicable to industries considered to be "affected with the public interest." This includes, but is not limited to, the industries generally considered to be public utilities. Specific topics to be covered will probably include: the right to serve, the duty to serve, discontinuance of service, limits on profits, ratemaking, rate structure and discrimination.

### Restitution

Mr. Becht

3 hours

This course is based on unjust enrichment. I use Dawson and Palmer's *Cases on Restitution*, 2nd Edition. I try to cover three different sections of this material:

- (1) Unjust enrichment after the commission of a tort.
- (2) Unjust enrichment resulting from a breach of contract.
- (3) Unjust enrichment caused by a mistake in contract.

In all of these areas I try to teach the class where it is best to go on a theory of restitution and when it is better to go on a different theory. I call this the third great common law remedy (contract, tort, restitution), but in a sense I am wrong, because restitution often comes because of an equitable remedy. This is one of the courses in which a person can learn a great deal about equity as well as a lot more than he knows now about common law. The cases shift back and forth all the way through the casebook from common law to equity and back to common law. It is a curious and most interesting set of materials. My teaching is a combination of socratic and lecture methods.

### Social Legislation

Mr. Bernstein

3 hours

A study of the old-age, survivors, and disability insurance provisions of the Social Security Act, unemployment compensation, public assistance programs, "war on poverty" programs, and medicare legislation. Open to social work students.

### State and Local Taxation

Mr. Boren

3 hours

A study of the state taxation of property, sales, income, corporate activity, gifts and inheritances; analysis of constitutional limitations upon state taxation.

This course will be taught by the case method from Hellerstein, *State and Local Taxation* (3rd edition). Students will be required to answer in writing certain problems contained in the casebook.

### Trusts and Estates

Mr. Lesar

4 hours

This course deals with transfers of property interests, both inter vivos and testamentary. It includes a study of the disposition which the law makes of the property of a person who dies without a will, that is, the persons who take on intestacy, and the extent to which one may dispose of property as he sees fit. The validity and formal requisites of both wills and trusts (private and charitable) are discussed.

## Case Comment

(Cont. from P. 6)

### Conclusion

In conclusion, one more item should be mentioned. In the Liebi case it was stated that the Charter authority (Kansas City) to acquire by right of eminent domain any property for certain specified purposes "and any other public purpose" confers power to restrict for compensation the use of property along a certain street. In the Kindle case the Charter authority employed there stemmed from the following provision: "To exercise the right of eminent domain and to condemn property, real or personal, or any right, interest, easement, restriction, or use therein, within or without the city or state for any public or municipal use of purpose" (Charter of Kansas City, art. 1, § 1, [9]). Our own Charter provision reads as follows: "acquire in the name of the county by condemnation, purchase, ...or otherwise, real and personal property; exercise all the rights and powers of eminent domain and, upon condemnation and payment therefor...; acquire by eminent domain such property or rights in property...as may be reasonably necessary to effectuate the purpose intended..." (Charter of St. Louis County, art. II, § 2.180, (7). (Italics added).

The parallel between our Charter provision and that involved in the Liebi and Kindle cases is strikingly similar. Particularly significant in our provision is, "...acquire by eminent domain such property or rights..." This is in complete conformance with the Missouri court's rulings. (ie. Liebi and Kindle cases)

In short, I feel the concept of "zoning with compensation" will be a useful tool in aiding a rapidly growing and expanding county.

### Faculty Seeks New Profs.

Four or five new professors will be added to the faculty next year, according to Associate Dean Lewis Mills.

Mills said the faculty has discussed possible candidates for positions at its weekly meetings. While no names were given, Mills said "three or four" Blacks had been contacted to see if they would be interested in joining the faculty. Whether or not a Black will apply is unknown at this time, Mills said.

Mills added that a qualified Black would likely be chosen over a white professor with equal qualifications. At present there are no Blacks teaching in the law school.

## Lesar offers keys to students

Although the library is open long hours, it is recognized that some students frequently, and most students on occasion, find it convenient to work at other hours. To make this possible, we have decided to issue to each student who desires it a key which will admit him to the building and the library.

In order for this system to work, it will be necessary for each student to assume responsibility for the facilities in the same manner that any member of the bar must assume responsibility for property entrusted to his care. Specifically, this means the observance of the following rules, which the Honor Council has agreed to treat as part of the Honor Code:

1. Keys are in no case to be loaned to one who is not a law student and are to be returned when the student graduates or withdraws from school.

2. Whenever the library is not open, a student entering must see that the doors to building and library are locked behind him. (The library hours are 8 a.m. to 11 p.m. Monday through Friday; 8 a.m. to 6 p.m. on Saturday; and 10:30 a.m. to 11 p.m. on Sunday.)

The key issued fits both outside doors and the library door. It is not necessary to use a key in exiting through the outside doors, but a key must be used on the library door on stairway A for both entry and exit. Care should be taken to see that the top and bottom bolts are in place.

3. There is to be no smoking, drinking beverages of any type, or eating in the library.

4. No books are to be removed from the library without being charged.

5. After hours, lights not being used should be turned out. (We are metered and the law school is charged for electricity used.)

Students may get keys from Mrs. Gill in room 201.

## FACULTY REPORT (Cont. from P. 1)

A second program recommended by the committee would provide lawyer supervision for students preparing motions to vacate or correct unlawful sentences under Missouri Supreme Court Rule 27.26.

The faculty has also considered a program which would require a professor to be appointed counsel for indigents seeking appellate review. The professor would then assign students to develop briefs for these appeals under the professor's supervision.

Consideration of these proposals is expected to continue for some time, according to Mills. He guessed that a final decision on whether or not to adopt any or all of these clinical law programs would not be made until April. He added that, if any of the programs are approved, he expected they would be offered next year in the regular curricula.

## Non Obstante Veredicto (Cont. from P. 3)

government and the proper channeling for that need. This is not a time to be misled by form, for as an exercise in politics or party-making, and no more, has a great chance of success.

As an exercise in change and development it seems headed for defeat and new frustration.



# Johnson uncovers 'hidden government'; offers cure

by Beth Broom

Controversial Ill. Commissioner Nicholas Johnson unfolded the widespread phenomenon of subgovernment in a speech delivered in Mudd Hall Courtroom, October 29. Speaking to an audience of about 300, Johnson described the work of a "number of discreet elements which all interrelate to control small but important parts of both government and the economy."

The sub-government, of course, refers to the workings and the structure of the nation's regulatory agencies. The commissioner explained that a sub-government consists of four divisions — at the top, the industry represented (usually the main competitors within the industry); next is the trade association which is represented by the trade journal; and at the core is the federal regulatory agency and the private bar

associated with it. Through the phenomenon of subgovernment, decisions are made affecting almost every facet of American life at the "discretion of the decision makers" with no discussion of the issues with the public. Johnson explained that the whole process goes on as if "under a rock."

Meanwhile the regulatory agencies purport to represent the public interest but are in fact controlled completely by the industry they were established to regulate. Johnson clarified this absurdity by explaining that the formation of each industry was the result of early industrial leaders desire to eliminate competition. The industry finds a lawyer who concludes there is a need for government regulation and then grandfather clauses itself into exceptions and picks the commission to establish the regulations.

Johnson emphasized the role of the lawyer in this subgovern-

ment system and said the lawyers can do a lot to change that system. He suggested the analogy of a free ride on a "Solid Gold Train" to the choice lawyers make upon graduation from Law School. The "Solid Gold Train" with all the trimmings of lavish surroundings represents the enticements of a corporate law practice which lures many into the perpetuation of subgovernment. But for those who desire other modes of transportation, Johnson offered for consideration several alternatives to the corporate law firm. The commissioner said he was "concerned with the social consequences of turning over our nation's best legal minds almost exclusively" to the "Solid Gold Train," and urged consideration of one of the alternative rides.

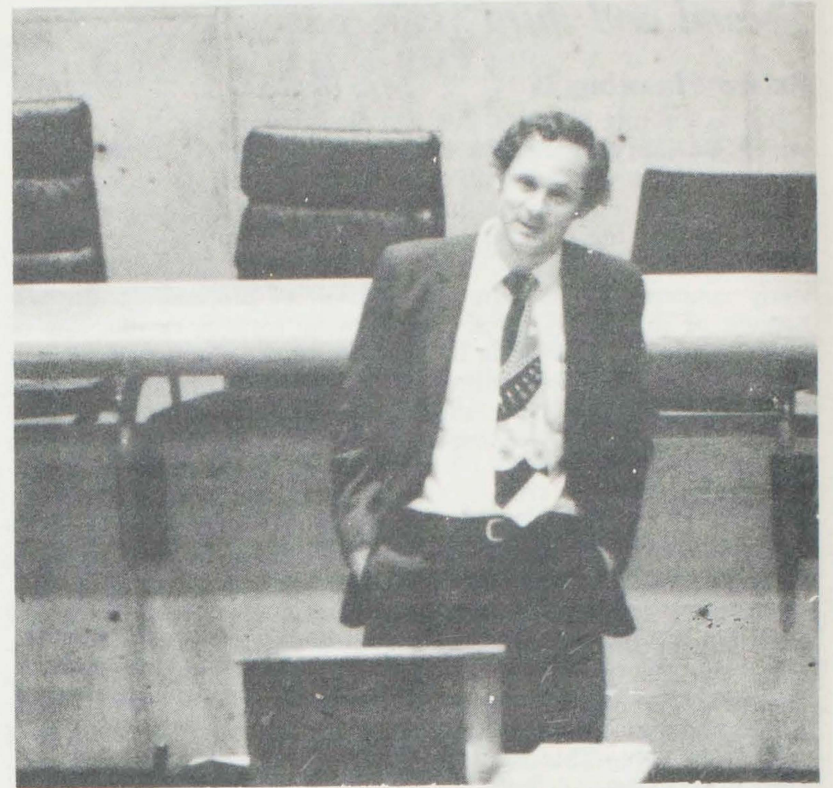
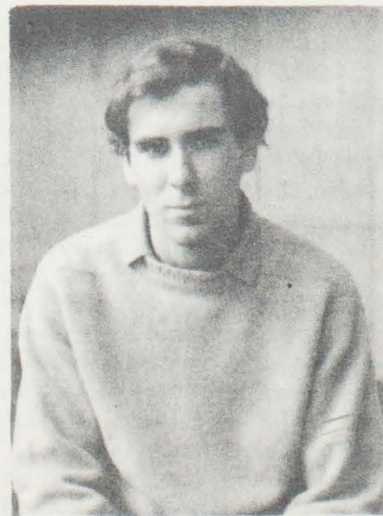
One alternative offered was a direct attack on the system from within by taking a staff position with one of the agencies. Another method is as a representative of the public interest before the agency or court as a public interest attorney with a group such as the community law firm. But Johnson felt the most exciting and rewarding alternative would be the "program you establish for yourself." Johnson emphasized that the public interest path is difficult but that through such "hard but exciting work," the very nature of the government is changing.

In an interview with *The Advocate*, the commissioner said that a clinical law program shouldn't be established without close coordination with the existing educational structure of the individual law school. Johnson viewed the clinical law program as an inadequate method of learning. A former professor at Boalt School of Law at Berkeley and now an adjunct professor at Georgetown University, he emphasized the value of classroom education. "In a clinical program you may help one tenant in a fight with an oppressive landlord but by learning in a class how to find the right law the fastest, you have the basis to change the law and help thousands of tenants with the same problem."

## Lowe named

Randall B. Lowe, 22, a second-year student at W.U. Law School, has been appointed to serve on the Citizens for a Better County Commission by St. Louis County Supervisor Lawrence K. Roos.

Lowe, who did legal work for the County last summer, will be largely responsible for encouraging the eighteen to twenty-one year-old vote in county elections.



Nicholas . "...exciting and rewarding Johnson . alternatives"

## Parallel Committees

Students have been named to serve on parallel student committees by the five-man selection committee appointed by Dean Hiram Lesar. Students were requested to submit their names for positions on the committees, and the committees were chosen from these applications.

The student committees will meet concurrently, not jointly, with already existing faculty committees. The students will have no voting power and will act only in an advisory capacity.

Appointed to the committees were: Curriculum — James Mendillo, Abby Morell, William Lytle, Howard Kilberg, Stephen Martin, William Beltz, Bertram

Frey, and Michael Werner; Student Relations — Barry Schermer, Brian Gunshor, Sheila Krawll, Richard Knutson, Robert Knowles and Joseph Lehrer; Rules — Frank Strzelec, Charles Lewellen, Douglas Brockhouse, Wayne Harvey and Stephen Van Daele; Admission and Scholarship — Dean Vance, Alex Karlin, David Harrison, Wallace Lew, Jan Carr, Richard Evans and Gary Planck; Library — Beth Broom, Hollye Stolz, Richard Sesler and William Hoveston; Moot Court — Stephen Banton, William Berry and Allan Winston.

Each committee will select its own chairman.

## Delta Theta Phi

Douglas G. White

The formal rush of Benton Senate, Delta Theta Phi Law Fraternity, consisted of two rush parties the first week of school and culminated in the pledge initiation on September 24 held in the downtown courtroom of the Honorable John Regan, United States District Court. After the ceremony this year's pledge class, consisting of Seniors Jerry Drewry, Tom Story; Juniors Mike Graves, Dave Jones, Gary Planck, John Rooks, Tom Soraghan; Freshmen Don Haynes, Bill Hofmann, Jim Hux, Alice Kramer, Brent Motchan, Sue Schwider, John Vogel and Roberta Weiner, adjourned to Shakey's for an informal get-together. This year's pledge class brings to 41 the total members in the legal fraternity.

Dave Agnew, Joe Derque III and Mike Doster have brought the Hawks and Browns back to St. Louis with Benton Senate's participation in team sports intramurals. On October 2, a group of 50 Benton Senate members, wives and dates journeyed to the St. Louis Arena to watch the Blues defeat Toronto 3-1.

Rich Doerr has started Footsteps and Practicality Seminars which attempt to fill the gaps in contemporary legal education. Footsteps will provide each member with an opportunity to spend a day with and participate in the routine of a practicing attorney. Practicality Seminars are a series of lectures followed by a question and answer period presented by frat-

nity alumni that concentrate on specific details and procedures of the legal profession in the St. Louis Community.

On October 6 Art Smith, who finished highest in the Washington University law class of 1971, discussed his study methods with 75 freshmen in the Mudd Building. On November 10, the second Practicality Seminar was presented by Judge Richard T. Enright of St. Louis County. He explained the functions of the Magistrate's Court with emphasis on pre-trial hearings for felons. The third Practicality Seminar is scheduled for Wednesday December 1 at 12 p.m. in room 303 of the Mudd Building and Judge John R. Rickhoff of St. Louis County will discuss prison reform. Judge Rickhoff has posed as an inmate at the Nevada penitentiary and written several articles on prison reform for the St. Louis newspapers. All members of the Washington University law school community are cordially invited to attend.

Thirty-seven members and alumni attended a dinner and cocktail hour on October 20 at the Cheshire Inn. Judge Robert Campbell, a Washington University law graduate, explained the proper use of pleading forms and criminal practices and procedures in St. Louis County.

A joint cocktail party with Bakewell Senate of St. Louis University and the St. Louis Alumni Senate was held on November 12 at the Colony in Clayton.

## The man and you and Mary Jane

by Al Frost

Missouri's new drug laws are among the more liberal in the United States. The legislation has classified restricted drugs in a manner similar to federal law. This classification, while creating more certainty and uniformity, also allows for possible severity of punishment which might be termed "cruel and unusual".

For the first offense of selling, giving, or delivering thirty - six grams or more of marijuana to a person under twenty-one years of age, the penalty is a minimum of five years and a maximum of death.

The attitude with which the state has approached the regulation of drugs is one of the bright spots in the law. The new law is to be administered by the State Department of Health. They regulate not only individuals, but also manufacturers, distributors, dispensers and researchers. They have the obligation of classifying various substances on the basis of research which they are empowered to conduct. The classification is made into one of five schedules on the basis of: 1) potential for abuse, and 2) present acceptance for medical treatment or safety in medical treatments.

Schedules one and two contain the more dangerous substances: those with the higher potential for abuse, such as LDS, STP, heroin, marijuana, opium, mescaline. With the exception of marijuana and hashish, these substances subject to the more stringent provisions of the law. Marijuana and hashish are exempted from the normal schedule one penalties when the amount involved is less than thirty-five grams of marijuana or five grams of hashish. Above these minimums, the penalties are the same as for other schedule one and two substances.

Schedules three, four and five contain substances which are generally prescription drugs, which have a low potential for abuse, and current accepted medical uses and a low potential for physical or psychological

dependency. The penalty for manufacturing, selling, possessing, obtaining by fraud, etc. for schedule three four and five substances is from two to ten years in a state correctional institution or up to one year in the county jail and/or one thousand dollar fine.

Generally, the law prohibits possession, sale, manufacture, cultivation, etc., without registration of the Board of Health. It also prohibits attempts to obtain controlled substances by fraud, misrepresentation or concealment. In essence, for any offense of possession of less than thirty - five grams of marijuana the penalty is up to one year in the county jail and/or one thousand dollar fine. For sale or delivery, without prior felony conviction, the penalty is the same. However, once over the thirty - five gram limit, the violator is subject to penalties that range from up to one year to the death penalty.

The law provides for voluntary or involuntary commitment for rehabilitation without a criminal sanction. In another enlightened provision on application, a violator who was under twenty-one at the time of arrest, may ask to have all official records of his conviction eliminated subject to his successful rehabilitation.

This law is meant to deal with all substances sold, manufactured or possessed within the state which the state recognizes a need to regulate, which, if used in excess, may cause physical or psychological harm or dependency or are subject to abuse. Regarding most of the regulated substances, there is little doubt or controversy about the need for regulation or the penalties ascribed to violators. If marijuana can be shown not to have the effects which have led to its classification within the law, i.e. potential for abuse, then the way is clear for it to be removed from this statute. The research which could lead to this result is encouraged by the law, and registration regulations are provided for institutions that wish to contribute their efforts in this area.



# Famous lawyers, scholars to attend Mudd dedication April 22

The formal dedication of the Seeley G. Mudd Building will be held April 22 at 10 a.m. Dean Hiram Lesar announced a dedication program that will feature several noted lawyers, including former Chief Justice of the United States Supreme Court, Earl Warren. Warren will speak at the dedication ceremony to be held outside of Mudd Hall or in Graham Chapel. A symposium entitled, "One Hundred Years of the Fourteenth Amendment - Implications for the Future" will be held Friday, April 21 at 10 a.m. and 2 p.m. Participants in the symposium will be Robert Carter, former general coun-

sel for the N.A.A.C.P.; John Frank, former Yale professor currently practicing in Phoenix, Arizona; Kenneth Karst, professor of law at U.C.L.A.; and Philip Kurland, professor of law at the University of Chicago. Commentators on the discussion will be Francis Allen, former dean of the University of Michigan Law School, and Herbert Wechsler, executive director of the American Law Institute and a professor of law at Columbia University. Lesar said classes will probably be cancelled to allow students to attend the symposium. A dinner will be held Friday evening,

April 21, featuring The Honorable James Browning as guest speaker. Browning is a judge on the Ninth Circuit Court of Appeals and a former clerk of the U.S. Supreme Court. The dinner will be open to all students and will take the place of the traditional alumni reunion dinner normally held after graduation. Seniors will be guests of the Law School, according to Lesar. The location and time of the dinner will be announced. Guests of honor at the dedication ceremonies will include trustees of the Seeley G. Mudd estate and representatives of the Paul A. Freund family, after whom the school's library is named.



Earl Warren

## the advocate

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### Faculty "Acts" On Clinical Education

by Mike Doster

The faculty has recently acted upon recommendations which were submitted to the faculty Ad Hoc Committee on Clinical Education (see *The Advocate*, v. 1971). The recommendation limiting programs to be considered to those which the law school is able to support on its own resources was adopted. Decision on the addition of a Trial Practice course to the curriculum will be delayed until sometime this Spring. The Ad Hoc Committee's favorable recommendation had been referred to the Curriculum Committee. That Committee later reported that the addition of such a course should only be con-

sidered together with other proposed additions and not be given special priority. However, Dean Mills said that the course could be offered next fall if it is accepted this Spring. While a list of local agencies which provide clinical experience is being compiled, Dean Mills stated that the Law School's involvement with local agencies would still be limited to sponsoring the Legal Aid Office on Delmar. The visual aids recommendation was accepted and an appropriate faculty committee was appointed. Dean Mills expressed the faculty's hope that they would be able to work with the Student Bar Association to implement a visual aids program.

Very little progress has been made toward conducting occasional St. Louis County trials to the new courtroom. The present absence of esthetics, giving rise to an undignified atmosphere, is cited as a major reason for not actively pursuing this recommendation. It is hoped that planned improvements for the courtroom will rectify this problem. Revitalization of the intramural Moot Court program is underway, and more office space has been provided. Dean Mills stressed that the success of this program turned largely on the extent of voluntary participation by the students.

The Ad Hoc Committee had also recommended that if the faculty decided to go beyond its recommendations, four faculty-supervised clinical programs should be considered (Seminar-type program, Assigning students to work in a public interest law firm, Trial of Actual cases involving tort claims, Rule 27.26 program). The faculty, however, was unwilling to direct a faculty member to conduct one of the recommended programs. Dean Mills said that such programs would only be considered when a faculty member chose to voluntarily make a commitment.

### New admissions head faces soaring application rates

by Dean Vance

Law students at Washington University have at least one reason to feel sky—well over half the present students would not have sufficient grade points and LSAT scores to qualify

for admission next year. According to Mr. Gary Boren, new Chairman of the Faculty Admissions and Scholarship Committee, "The problem is no longer finding qualified persons to attend law school but is rather which of the qualified persons we will admit."

Admissions requests are coming in at three times last year's rate. Whereas last year 491 applications had been processed by this date, Washington University has received over 1432 applications already. And Mr. Boren foresees well over 200 applications for the 180 positions open.

The major criterion for admission continues to be a combination of undergraduate grade point average and LSAT score, known as the Dawson Index. To calculate your Dawson Index, multiply your grade point average (on a 3 point basis), by 200 add your LSAT score, and then add 200. For example, if you had a B average and a 650 LSAT score, your Dawson Index would be 2.0 x 200 + 650 + 200 = 1250. Listed below are the average statistics for the entering classes for the last four years:

|              | 1968 | 1969 | 1970 | 1971 |
|--------------|------|------|------|------|
| LSAT         | 566  | 546  | 578  | 584  |
| GPA          | 1.73 | 1.76 | 1.79 | 2.09 |
| DAWSON INDEX | 1112 | 1098 | 1136 | 1202 |

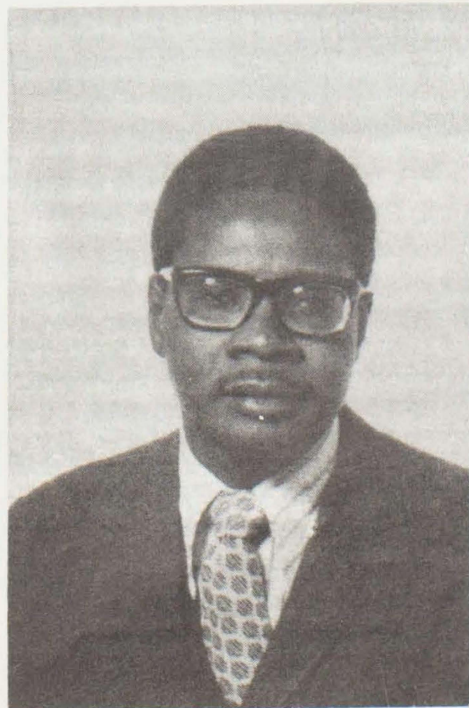
The entering class of 1972 should have an average Dawson Index of near 1300.

(Cont. on P. 6)

### Mutharika named first black professor

Peter A. Mutharika will become the first Black Professor in the history of Washington University Law School next fall. Dean Hiram Lesar announced that Mutharika has been appointed to the faculty to teach agency and legal writing. The 32-year-old Mutharika will bring an impressive academic record with him. He graduated second in his class

at the University of London where he received his L.L.B. in 1965. He also received a L.L.M. and a J.S.D. from Yale in 1966 and 1969, respectively. He was a lecturer in law at the University of Dar-es-Salaam, Tanzania from 1968 to 1971. Presently, Mutharika is a research fellow for the United Nations and is teaching law at Rutgers University Law School. He is married and has three children. Lesar said he was pleased with Mutharika's addition to the faculty which was a result of "actively seeking Black applicants". Lesar explained that Mutharika was hired through contact with a national placement agency. The Dean noted that the new professor's previous teaching experience and fine academic record were major factors in his selection.



"actively sought"

### Late grades

Professors had not posted grades in six courses as of February 14. The deadline for their return is February 17. The delinquent professors were: Mr. Bernstein, Trade Regulations; Mr. Meyer, Legal Writing; Mr. Becht, Torts; Mr. Kelley, Urban Legal Systems and Legal Writing; and Mr. Hilpert, Labor Law. Becht, Kelley, and Hilpert have been delayed in grading examinations by illnesses. The eight-week deadline for returning grades was established by a vote of the faculty this past fall.

### Advocate seeks editor

The Board of Governors of the Advocate will accept applications from any law student interested in becoming Editor-in-Chief of the Advocate for next year. The only prerequisites for application are that the student be in good academic standing and be willing to devote considerable time to the position. Applicants should notify the present editor, Ken Brown, orally or by leaving a notice in the student mailboxes for him by March 8. Each applicant will be interviewed by the Board of Governors the afternoon of March 8. The new editor will be officially selected Friday, March 10. The Board of Governors has three members: Brown, Steve Banton and Len Fowler. Each governor will have one vote in electing the new Editor-in-Chief.



## Editorials

### Pacem Requiescat

Please read the front-page story concerning recent faculty action on clinical law programs.

We resisted the urge to place a black border around the story, but, clearly, student hopes for a clinical law program at Washington University Law School are dead.

First, the faculty voted to develop only those clinical programs which the Law School could fund itself. That may sound wise, but the Law School does not have any funds available for such development. Draw your own conclusions.

The trial practice course, which has been dangled in front of students as a real possibility for next year, was tabled for further consideration. It has been under consideration for nearly a year. It is moribund, and only a miracle can raise it up.

Most incredible of all, the faculty decided that professors who might teach any clinical courses should volunteer rather than be assigned the job.

Of course they should volunteer, and these are a few thank heavens for them, who will, if the clinical courses are given full status. If they are to be viewed as extracurricular activities, like Girl Scouts or Little League, we can understand why no volunteers come forth.

By the faculty's own admission, it takes a great deal of time to direct a successful clinical program. No professor could attempt such a task if he must teach a full load of the "required courses" in addition to his clinical responsibilities.

So, step by step, the funeral march proceeds. It is measured by a slow, deliberate pace but moves surely to the end.

And when that comes, there will be no clinical law courses at Washington University Law School.

Pacem requiescat.

### Dear Donos -

Dear Donos,

Welcome to the field of what we shall loosely call journalism. It is heartening to know that "The Advocate" will have a compatriot in the journalistic quest for Truth.

I was most impressed by your publication schedule. "The Advocate" staff has trouble putting together news and opinions enough for a monthly issue, so you must have some real newshawks to manage a weekly. How do you manage to get the facts, write them up, edit them and print them all in just one week? We have found the process to be far more time-consuming if we are to be reliable. Any tips or shortcuts you might have would be appreciated.

Maybe we could publish more often if we offered more surveys, such as the evaluation of faculty which appeared in a recent issue of yours. That wouldn't seem to take much time to prepare. My only problem with such an idea would be the possible consequences it might have.

You see the faculty know who I am. My name appears in every issue of "The Advocate". If I were to evaluate the faculty, it could be disastrous. They might evaluate me!

Professor Becker would fail me for my inability to give a definitive answer to a series of thirteen hypotheticals varying only in degree. Professor Meyer would have flunked me for my hangdog look at his eight o'clock last semester. Professor Miller might take points off because I don't speak clearly in class, and Professor Boren could have demolished me for my dependence upon the Master Tax Guide.

In short, they would grade me for what I am - not what I learned. I'm fairly certain I wouldn't like that much, so I had better limit my evaluations to what the teachers teach, not who they are. You do understand, don't you?

Please, despite your own personal lack of shortcomings, do not cause others to suffer.

I was glad to learn from your publication (mimeocation?) why Dean Mills was so hard to track down. Obviously, if he's chasing after you, he would have little time for other things. Actually, I don't quite see why he cares who you are. I don't know who you are, and it doesn't bother me a bit. Smacks of paranoia, wouldn't you say?

Anyway, keep up the good work! Never give in to the great pressures heaped upon you by the opposing forces. Call 'em as you see them, and, at the very least, we'll know what your opinion is.

Some day, long after you have passed away, you will be remembered by the same words which immortalize another great folk-hero: "Who was that masked man, anyhow?"

Con mucho gusto,

Ken Brown  
Editor-in-Chief  
The Advocate

## Security and treatment - Rx for Missouri's criminally insane

by Mike Doster

A chain-link fence, generously crowned with rolls of barbed wire, and large floodlights announced to the outside world the full import of "maximum security." Such was the dubious first impression of this reporter, beginning a recent afternoon-long tour of the maximum security Biggs building at the Fulton State Hospital.

The Biggs building, having housed Missouri's "criminally insane" since 1939, was the focal point of curiosity for a group of law students who completed Professor Girard's *Problems on the Mentally Ill* last semester.

Once inside the building, its visitors were confronted with further security measures: registration, removal of ties and carkeys, double steel doors, closed-circuit television, staff escort.

First appearances, however, suggested that the patients exercised a considerable degree of freedom. In fact, it was later learned that a number of the patients participate in a self-government program. Observation of the upper floors, and the explanations of the staff proved that not all of the patients exercise the same degree of freedom.

The facility is arranged, like most of its counterparts across the nation, on a progressive freedom system. The uppermost floor is the most restricted. Solitary confinement cells for the most disturbed and potentially dangerous patients are located on this floor, and it is the first stop for all incoming patients.

Transfer of a patient from a restricted ward to a less restricted ward (or vice versa) is determined by the patient's doctor.

Such a system necessarily presents questions concerning the deprivation of individual liberty. Considering the limited staff, one wonders how often a patient's status is reviewed and upon what basis transfer decisions are made.

Progressive freedom, and indeed the initial "incarceration" itself, is justified on the basis of treatment. Whether or not "treatment" is occurring is an open question.

Although an effort is apparently being made, the staff psychologists admitted that there is a distinct lack of indices by which to measure successful treatment. Moreover, the psychologists spoke of drugs in the same breath with treatment but described uses (management) more closely associated with custodial care. Admittedly, use of the drugs not only aids the staff in administering rehabilitative or treatment programs, but enables many patients to exercise a greater degree of freedom.

The types of patients currently required to be housed in the maximum security unit present further problems that demand an interdisciplinary approach.

The largest group of committed patients consists of persons who have been found not guilty by reason of insanity. Criminal sexual psychopaths make up a smaller group of committed patients. In addition, there is a catch-all category which includes transfers from state penal institutions and from state mental hospitals.

It is the so-called "non-committed" categories which cause the biggest headache, according to Shahe Zenian, chief psychologist. Pre-trial examinations consume much of the staff's time and treatment is secondary for "patients" in this category. Those patients found

to be incompetent to stand trial fall in another category. Zenian believed this determination should be made by the legal profession since legal standards of competency do correspond to standards of mental illness. He added that a number of patients have retained this status for several years.

Zenian cited other problems that psychiatry has experienced in its relation to law. First, noted that the average length of stay might actually be prolonged by statutory provisions requiring an absence of "dangerousness" in addition to an absence of psychiatric signs and symptoms. He thought the average length of stay was "about three years."

Secondly, Zenian thought the psychiatrist's role within the adversary system should be changed. Most psychologists and psychiatrists are "worried about the kind of statement they can defend." He believed that those of his profession who were called to testify would compromise their findings in order to avoid being caught in a position where they could not justify their findings.

This expressed fear of being "exposed" on the witness stand is odd to say the least. An expert is expected to be able to justify his findings. If he cannot do so, then he should not testify. However, this is probably a very real and widespread fear among the members of Zenian's profession, and it serves to point out the current lack of interdisciplinary communication and cooperation. Zenian himself agreed that the profession should get together and attempt to mutually solve the problems. He added that staff and the patients would like to have legal counsel to assist them in making decisions.

## Ripples of muddy waters

by Al Winston  
and  
Dave Uhler, Editors

Our British correspondent recently sent us the following two articles which will aid us in our understanding of the English system of Law.

### MISTRESS ORDERED TO QUIT HOUSE

Daily Telegraph,  
Dec. 31, 1971

A wife was granted an order yesterday to turn her husband's mistress, aged 19, out of the matrimonial home. Judge Freeman III, directed in the London divorce court that the mistress, Mrs. Daphne Skinner, leave the house in Suffolk Way, Canvey Island, Essex, by 6 p.m. yesterday.

Mr. Timothy Barnes, solicitor for Mrs. Bines, the wife, said that for a month before she left home her husband and Mrs. Skinner were sleeping in the matrimonial bedroom, while she slept in another room. He further stated to the court that in seeking reconciliation with her husband, Mrs. Bines went to Wales for a week. When she returned, she found the mistress' clothes in her

husband's wardrobe. Her own clothes had been packed in crates and were placed in the garage.

Fearing that further attempts at reconciliation would prove equally fruitless, Mrs. Bines was granted the order to turn out the mistress from the matrimonial home.

### PEER DOES NOT WANT HIS ARMS IN BAR

Daily Telegraph,  
Dec. 30, 1971

Lord Clifford Dudley of Chudleigh is to ask the College of Arms what he can do about his arms decorating an inn. He would like to stop this.

The 17th century inn, the Dudley Arms at Chudleigh Devon, where the arms have been used for years as the sign is being renamed the OLD COACHING HOUSE and will re-open as a steak house.

The College of Arms said last night that the legality of the case turned on the rather "fine distinction" of whether the arms were being "used" or "displayed".

If they are being 'used' by someone who is not entitled to them, for example on letter headings, there is a case to be

taken to the court of Chivalry. One the surface it appears, however that putting the arms in a bar would leave Lord Dudley bereft of remedies.

### WASH, U. LAW PROF SUMMONED TO DEVON, ENGLAND

The  
Manchester Owl

Prof. David Beck, distinguished legal expert on T Takings, etc. has journeyed to England to prevent the catastrophic taking of the Peer arms by a common innkeeper. On boarding his plane in remote town in America called St. Louis he was heard to remark, "The Peer should have no fear as the Peer's rights predate De Donis conditionalibus and besides those English banisters never read footnotes."

(N.B. - The Spring edition of *Muddy Waters* is scheduled for publication on April 1st. We are actively soliciting contributions from students and faculty. Your contributions may be left in Room 208 (Moot Court), or Dave Uhler's or Al Winston student mailboxes, or by calling 962-2982 in the evenings.)

the  advocate

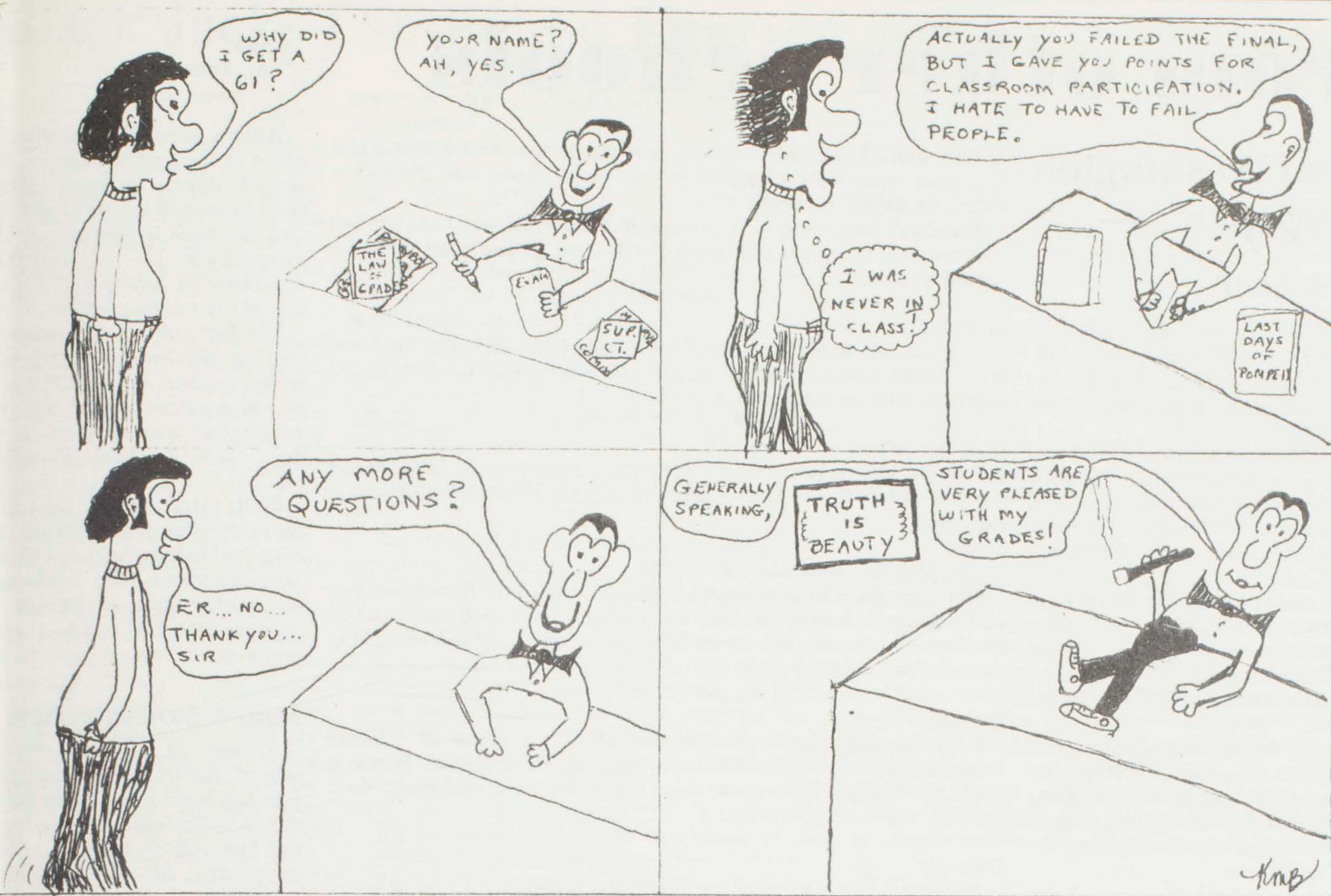
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Randall Lowe, Dean Vance, Al Frost, Doug White, Jim Meredith

all unsigned editorials are by the Editor-in-Chief





## The grading game

## Letters to the editor Can't succeed?

**Editor's note:** All the articles in *Non Obstante Veredicto* are the opinions of their authors and do not necessarily reflect the views of "The Advocate." If Mr. Lowe or Mr. Whitman, or any other interested party, wishes to further express their views, this paper will gladly accord them the space to do so.

to the Editor:

One would hardly imagine that the potato fields of southern Rhode Island would prove to be such fecund soil for the growth of "intellectual" elitism. Yet, in

Mr. Lowe's recent article, "Non Obstante Veredicto", in the November issue of the Advocate, he has deigned to inform us that the new student government cannot succeed.

The chief reason for the bleak future painted by Mr. Lowe arises from the "fact" that the "sport-talking" students have usurped the governmental reins. Apparently, even the level of politics in a sandbox is reserved for those practiced in the art of discoursing on more ideational topics than the St. Louis Blues. Were Mr. Lowe to reveal the identity of the rightful, non-sports-talking heirs to January

Inn, then I feel confident that the student government would resign in a body and allow the intelligentsia to take over.

After wading through the slough of sodden verbiage in Mr. Lowe's article, what insight does the reader glean? Not much. After a dandy attempt at historical allusion which simply shows that Mr. Lowe probably flunked his French history course (Second? Republic, Mr. Lowe), he labels a governing body of 21 for a school of 500 as insane. Why insane? If he would only reveal the ideal size, then the student representatives could adjust their numbers to

that magic figure.

The article is simply a private manifesto stating that Mr. Lowe, like some sort of minor league Pontius Pilate, has clean hands. He is "in" the law school, but not "of" the law school. Congratulations, Mr. Lowe.

Yours truly,  
David P. Whitman  
President  
Student Bar Association

## Try again, sports fans!

by Dick Meredith

This sports quiz, though not of great difficulty, will hopefully prove to be something of a challenge. There are ten questions - three on baseball, three on football, three on basketball, and one on track - and all were major sports stories of the 1950's and 1960's. The first question is extremely easy, and they become progressively more difficult. By reaching back into the past for forgotten names, sports fans will be able to answer all questions. Good Luck!

1. Though I have since risen to great heights in the world of professional football, in 1959 my first major deal resulted in the firing of the coach and a seven year famine in Los Angeles. Who am I?

2. During his career Wilt Chamberlain has set most scoring and rebound records, yet he has been traded twice. Name the six players involved in the two Chamberlain trades.

3. During my rookie year I was a twenty-game winner with a second place team. Only once again in my career would I win more than ten games in a single season, and within six seasons I was tradebait. During the 1960 season I pitched for Cleveland, Cincinnati and St. Louis. Who am I?

4. When three-team football was the college rule in the early 1960's, LSU rose to national prominence. The Tigers were the first team to give wide publicity to each of the three teams. Give the name associated with the defensive, offensive and both 6 way teams of LSU. In addition list the starting backfield for the both-way team.

5. In 1956 the Cincinnati Reds hit 221 home runs, yet someone had to do the pitching. During 1956 one starter for the Reds won nineteen games and one reliever appeared in 64 games. Name these two Cincinnati pitchers.

6. In the most 1960 Olympics the United States swept the first three spots in both the shotput and the 400 meter hurdles. Name the six medal winners involved in this double sweep.

7. UCLA defeated Michigan 91-80 to win the Bruins second NCAA title in 1965. However, only three UCLA players scored in double figures. Name these three players and for an extra challenge give their point totals.

8. The present quarterback problem of the Football Cardinals is nothing new to Big Red fans. From mid-1958, when Lamar McHan was replaced, until mid-1962, when Charley Johnson took over, four men attempted to play quarterback for the Cardinals. Name these four players.

9. The forerunner of the American Basketball Association was the American Basketball League. Name the eight cities which held franchises in the League, and name the two team which met in the finals of the first championship. For bonus points list the team which won the championship series and name the League's leading scorer.

10. Perhaps the picture of frustration in major league baseball has been the Cleveland Indians. Since Al Lopez won the American League in 1954, thirteen other men, including Ken Aspromonte, have attempted to manage the Indians. Name the twelve Indian managers between Lopez and Aspromonte.

## ST. PATRICK'S DAY

# BRIDGE TOURNAMENT!!!

DUPLICATE PAIRS COMPETITION . . . PRIZES . . .  
EXCITEMENT . . . FRIDAY, MARCH 17, 7:30 p.m.

The Advocate Knows how many people in the Law School are bridge nuts. It also Knows it needs some money if it is to operate properly next year.

# SO . . . . .

Any member of the law school faculty, staff or student body may enter. The competition will be duplicate pairs bridge so you must enter with a partner, who may be a member of the law school or not.

The team entry fee is \$5. Applications may be obtained in "The Advocate" office, Rm. 406, or at the student mailboxes. All applications for entry must be returned by Friday, March 10 with the entry fee to "The Advocate" office or Mrs. Sandi Raeber at the receptionist's desk.

Valuable prizes will be awarded to the best team, and an evening of bridge-filled excitement is guaranteed.

Applicants are advised to read According to Hoyle for those rules and penalties which will be followed.

Since the number of teams must be even, we reserve the right to limit the number of entrants. Get your entry in now!



# News from other schools

## from the University of Washington "Law School Newspaper" —

### DeFunis v. UW Law School

Over 1600 college graduates applied to the University of Washington School of Law last year. Only 150 of them could be admitted. Marco DeFunis was not among these admitted. And thus he sued the law school. It was the second time in two years that DeFunis was denied admission.

DeFunis, through his attorney, made three arguments: 1) Reverse racial discrimination; 2) failure to give Washington residents preference in admission as required by the State constitution; and 3) use of an unfair procedure by the Admission Committee, namely averaging the scores DeFunis received for the three different times he took the LSAT.

The law school, submitted that the issues before the court were either that the Admissions Committee proceeded in a fashion which violated the state or federal constitution, or that the general admissions practices of the Committee were arbitrary and capricious, or that the Committee's consideration of DeFunis's application was arbitrary and capricious.

Wilson maintained that the law school was not at fault on any of the issues in the case. Judge Lloyd Shorett disagreed. Although finding against DeFunis on his major argument, that in-state students should be given preference, Shorett found that the "equal protection clause" precluded the Admissions Committee from giving exceptional consideration to minority applicants.

The Board of Regents has decided to appeal the case. Judge Shorett's ruling, they believe, is clearly erroneous. Looking at the possible effects of the decision holding up on appeal, not only the law school but the entire University may be in big trouble. Shorett's opinion now jeopardizes the undergraduate admissions policy as well as their Equal Opportunity Program. As a matter of fact, if the reasoning of the decision is carried to its logical conclusion, the entire realm of affirmative action on behalf of minorities throughout the country is in danger.

With the decision having such potential impact, it could well go all the full route to the United States Supreme Court. Appeal to the highest court will not be automatic; certiorari must be granted. As appellate courts have a tendency to seek ways out of deciding constitutional questions, one must wonder if the issue of mootness will be an important consideration. In any case, the University and the law school are deep in preparation for appeal. And so is the Minority Law Students Association, which intends to file an Amicus Curiae brief.

## from the University of North Carolina "Law Record" —

### "I'm sorry I can't attend your class action"

In May of this year many North Carolinians received a post card from the Clerk of the United States District Court informing them that the State of North Carolina, through its Attorney General, Robert Morgan, had filed suit against five major drug firms. The card explained that the state had been designated as the class representative for a class composed of all persons who had purchased certain broad spectrum antibiotic drugs in North Carolina between certain dates in 1954 and 1966, and that the state was seeking treble damages from the defendants for alleged violations of federal anti-trust laws. After describing the nature of the action, the notice stated that all members of the class would be deemed parties to the suit unless they gave written notice of their desire to be excluded or to provide their own counsel.\*

Because it was impractical, if not impossible, to discover the identity of all the members of the class, and because preliminary research had indicated that nearly every one in the state had used at least one of the drugs involved at some time, the notices were mailed to every one who had filed a North Carolina Income Tax Return for 1969. Notices were thus mailed to over two million persons, many of whom were not members of the class.

The highly technical nature of the notice itself, coupled with the manner of mailing, resulted in a significant amount of confusion and misunderstanding on the part of recipients. Over ten thousand responses were received by the Attorney General's office and many, if not most, of them gave evidence that the notice had not been fully understood. In the case of several hundred of the responses the level of understanding ranged from humorous to tragic.

Several of the responses, or excerpts therefrom, have been reprinted below (with names and addresses omitted or changed) primarily for their humorous content. However, these letters graphically demonstrate the futility of giving notice, in any real sense, in sophisticated legal jargon to "non-lawyers" (not to mention lawyers).

Dear Sir:

I received this paper from you. I guess I really don't understand it. But if I have been given one of these's drugs I was not told why. If it means what I think it means though, I have not been with a man in 9 years if that answers your question.

Dear Mr. Clerk:

I have your notice that I owe you \$300.00 for selling drugs. I have never sold any drugs, especially those that you have listed.

I have sold a little whiskey once in a while.

\*\*\*\*\*

Dear Mr. Attorney General:

I am sorry to say this but you have the wrong John Doe because in 1954 I wasn't but 3 years olds and didn't even have a name.

Mother named me when I got my driver's license, and that was just four years ago. My dad signed for me to get them, and until then they just called me Baby Doe.

I couldn't have bought any drugs at 3 years old and I am not but 19 now and haven't had a name but 4 years so you must have the wrong person.

\*\*\*\*\*

Dear Sir:

I am unable to attend your class. I have been sick. My husband will not be able to make it either. We would like for you to get someone else to attend in our place.

\*\*\*\*\*

Dear Mr. Clerk:

I would like to know why I am a party to this action that I don't know nothing about. Who made me a party to anything? (I am a democrat.)

\*\*\*\*\*

Dear Attorney General:

Holy greetings to you in Jesus name. I received a card from you and I don't understand it, and my husband can't read his. Most of the time all I buy is olive oil for healing oil after praying over it, it is anointed by God's power and ain't nothing like dope.

\*\*\*\*\*

Dear Sir:

I am pleading guilty to the use of an envelope of Official Business because I did not know if you had one available that you could not use it. I have never done that before and will never do it again.

\*\*\*\*\*

Dear Sir:

I have not bouth none of tat stuff from nobodie and I don't know notin about it.

\*\*\*\*\*

Dear Sir:

I have not been to a doctor in thirty-five years but for three times ip these long years and I got hurt in a car wreck once and got my finger hurt. I am sorry that such message got out on me for I am a married man and I work hard to care for my family. Would you please send me the names of the people who claimed such unlawful acts about me.

\*\*\*\*\*

Dear Sir:

I received your pamphlet on drugs, which I think will be of great value to me in the future.

Due to circumstances beyond my control I will not be able to attend this class at the time prescribed on your letter due to the fact that my working hours are from 7:00 until 4:30.

\*\*\*\*\*

Dear Sirs, Sir or what ever:

But if governmental officials have nothing better to do than to sit on their "capitals" and to make lawsuits, heaven help us all. I know that I may be utterly wrong but until better informed by Higher sources I will continue to think the same.

\*\*\*\*\*

Dear Sir:

This is a request to be excluded from the class. Whatever gave you the belief that I was a member of such a class. I never take drugs. Maybe an aspirin once in a while, but I can't even take but one of them at a time.

\*\*\*\*\*

Dear Sir:

Our son Bill is in the Navy, stationed in the Carribean some place. Please let us know exactly what kind of drugs he is accused of taking.

From a mother who will help if properly informed.

A worried mother

Jane Doe

\*\*\*\*\*

Dear Mr. Morgan:

I received your card about the lawsuit and I would like to know how much I owe and I can pay it off by the month so I won't have to go to court. If I can pay by the month, I will do just that as soon as I hear from you.

\*\*\*\*\*

To Whom This May Concern:

About this lawsuit, I can't see how you or anyone can build a case after something I know nothing about, I can't imagine what it's all about, and about some kind of class I'm suppose to be in. I'm sorry, I'm in no kind of class, I'm only a mother and housewife, I do not have any kind of trade or class.

Sorry I can't concern myself in something I have no dealing.

## from the "Virginia Bar News" Lessons in Pleading

The following answer was filed in an actual lawsuit which was ultimately settled and never tried for reasons that will become obvious.

E. J. Reed vs. Missouri-Kansas-Texas Railroad Company of Texas

To The Honorable Judge of Said Court:

Now comes the defendant and with leave of the court first had and obtained files this its first amended original answer and for such shows to the court as follows:

1. It demurs generally to the allegations in the plaintiff's original petition contained and says that the same do not set forth a cause of action against it and of this prays judgement of the court.

2. Defendant specially excepts to said petition wherein it is alleged that the plaintiff had, shortly before boarding the defendant's passenger train from Waco to Bruceville, taken some "Crazy Water Mineral Crystals" which made it vitally urgent for the plaintiff to answer, without let or hindrance, a quick call of nature in the

(Cont. on P. 5)

Ghosts  
(Cont. from P. 6)

time.

After a somewhat amateurish effort in the first two issues, HU settled down to some pretty good humor in the third edition, and we hope it survives. It has aroused a lot of interest, especially in regard to the identity of its editor-in-chief.

The fact that we are commenting on HU here probably will bring further accusations that HU is a subsidiary of the Advocate, that we're discussing HU now "just to throw everyone off."

Well, sorry, but we can't take credit for this new light on the local publishing scene, but we thank everyone who thinks our sense of humor is capable of creating HU. HU has had some pretty good lines.

## from a 1970 interview

Robert M. Viles, University of Kentucky law professor who has been flying in on Saturday to teach Social Legislation at the law school here, is a firm supporter of clinical legal education.

"The whole nation of clinical courses and the way a lawyer works is in a state of flux," he said. "Anyone who is working in clinical education should be having problems, because the idea behind it is not as easy as it may seem."

The trouble with injecting practical programs into the law school curriculum is that they tend to be shunted aside by faculty members. "Unless they are conducted seriously and sincerely they become like P.E. in college - something you have to do, but not enthusiastically," Mr. Viles said.

Nevertheless, there is a serious need to change the traditional law school program, according to Mr. Viles, because it simply no longer is relevant training for the many roles in which a modern lawyer may find himself. He also added that the traditional approach is not meeting the expectations of today's law students.

"Legal education is in kind of a no-man's land," he said, explaining that it neither effectively teaches a student to practice law nor does it provide an adequate grounding in public policy matters which more and more are the real issues in law.

Mr. Viles believes that as long as law schools are "saddled" with the case method, the Socratic dialogue, and the master-servant form of professor-student relationship, the education they offer won't be very effective.

## Motions

We need not consider all the reasons advanced by defendant in support of its motion. One arrow, if fatal, is fatal enough.

-Earl R. Hoover

## Intent

Even a dog distinguishes between being kicked and being stumbled over.

-Oliver Wendell Holmes

## Evidence

Some circumstantial evidence is very strong, as when you find a trout in the milk.

-Henry David Thoreau

## Counts

Trial courts search for truth and appellate courts search for error.

-Saying



# Black Jack: The Public Hearing and Unconstitutional Motivation

by Randy Lowe

(Editor's Note: This article is the third in a series which has examined the Black Jack controversy. The legal arguments raised in this article may eventually reach the U.S. Supreme Court.)

The Petition for the incorporation of the City of Black Jack was presented to the County Council of the St. Louis County Government on the 25th day of June, 1970 pursuant to Section 72.080 R.S.Mo. 1969. On July 30, 1970 a public hearing was held before the County Council concerning the matter of incorporation.

Mr. Roy Bergman, attorney for the petitioners of incorporation first addressed the Council reading from prepared statements and discussed the proposed incorporation, stating that the proposed city could operate sufficiently on a tax rate of \$.40 per \$100 valuation and that the majority of the taxable residents had signed the petition in favor of incorporation. He further stated that there was a pre-existing community in the unincorporated area, that the area at present was zoned residential, multiple and single family, and that the City of Black Jack, if granted incorporation, "would be a good city, operate itself and would be a creditable addition to the government of St. Louis County."

Mrs. Joan Kessler, representing the Committee to Incorporate Black Jack, was next to speak. She stated that the petitioners desired to have their own local government "for and by themselves", that it is an historical area which would like to retain its individuality and charm, "and not, at some future time, be swallowed up by annexation". Mr. Fred Hartwig, speaking on the history of the community of Black Jack, stated that he was one of the oldest residents of the area and that there was no farm land in the proposed unincorporated area as "the business of farming was not economical and most of the vacant land was held for future development".

In opposition to petitioner, Mayor James J. Eagan of Florissant and Mayor Robert C. Wehner of Shrewsbury, who appeared as the President of the St. Louis County Municipal League, along with Mayor John Brawley of Ferguson, Mr. Carroll J. Donohue, an attorney

representing Trailwoods Development Co., and Mr. Sam Liberman, an attorney representing the Inter-Religious Center for Urban Affairs, Inc., all questioned whether or not there was a pre-existing community which the law required. Mr. Liberman and Mayor Brawley went further and felt that the incorporation drive "was an effort to use zoning laws to exclude classes and races of certain people" and if such reason of incorporation was motivated by exclusionary policies, "then it may be in conflict with vital laws".

The thrust of the exclusionary argument, as stated by Mr. Liberman in his Notice of Appeal, was:

The County Council lacked jurisdiction to enact said incorporation for the reason that said incorporation was made for the purpose of allowing the said City of Black Jack, if incorporated, to take action to bar the construction of the project sought to be built by petitioner herein [Parkview Heights Corporation] and in order to exclude persons from living in this area because of their race and economic status, in violation of state and federal statutory and constitutional rights.

The County Council contended that the motives of the residents of the area who wished to be incorporated were irrelevant to the legal questions as to whether or not they were a prior existing community. Mr. Edward Sprague, Administrative Assistant to the County Council stated that the function of the Council was to abide by the law in determining whether or not the then proposed City of Black Jack had met the requisite requirements of incorporation and was not to act as an impartial tribunal on the motives of its inhabitants.

Parkview Heights countered by stating that if, in fact, exclusion was an underlying purpose for the petition, it would vitiate any argument that there was a pre-existing community. Rather, it would establish that the pre-existing community is simply a community of interest related to the narrow and specific issue of excluding certain persons deemed "undesirable", and would not relate to general community government purposes. Further, that under certain provisions of both the federal and state constitutions if such incorporation

established as its primary purpose the exclusion as noted above, it would be a violation of due process of law and would amount to the taking of property rights without just compensation.

Parkview Heights also contended that it would be undeniable "that the granting [of the petition of incorporation] would be state action under the Fourteenth Amendment and under the terms of 42 U.S.C. 1983. Taking this as state action the County Council would be precluded from enacting legislation which would require segregation in housing, Buchanan v. Warley, 245 U.S. 60 (1917), and that any enforcement of an agreement between the County Council and private persons to exclude a particular group of citizens would violate the rule laid down in Shelly v. Kraemer, 334 U.S. 1 (1948).

If private individuals cannot exclude blacks from the purchase of their properties under

Jones v. Alfred H. Mayer Co., 392 U.S. 409 (1968), it was contended that they could not accomplish by ordinance "what they could not accomplish by their own individual action". States and counties are forbidden to take action which would assist or allow others to discriminate. *Reitman v. Mulkey*, 387 U.S. 369 (1967); *Burton v. Wilmington Parking Authority*, 365 U.S. 715 (1961).

It was further contended that if a zoning ordinance itself was invalid if based on the purpose and effect of excluding persons because of race or income status, *Lakewood Homes v. Board of Adjustment of City of Lima*, 258 NE 2d 470 (Ohio 1970) and *National Land and Investment Co. v. East Township Board of Adjustment*, 215 A 2d 597 (Pa. 1965), then an ordinance or resolution incorporating a municipality for the specific purpose of such exclusion was also invalid.

On August 6, by an Order of the County Council, the City of

Black Jack was ordered to be incorporated whereupon Parkview Heights appealed and filed and received a preliminary writ of prohibition enjoining any further action by the Council in the matter of Black Jack until cause was shown why there should not be a prohibition to hold "cognizance of and take further action with respect to said Petition for Incorporation".

Cause being shown on September 3 the writ was rescinded and Black Jack was incorporated under the laws of Missouri. Parkview Heights and the Civil Rights Division of the Department of Justice filed separate suits against the City of Black Jack in the United States District Court for the Eastern District of Missouri. Recently, the suit by Parkview Heights was dismissed with appeal being considered while the government's suit is still pending.

(There were no counter arguments to respondent's memorandum filed before the County Council).

## SBA plans for dedication and seeks classroom reform

by Dean Vance

Among the topics discussed at the February 8th meeting of the Student Bar Association were the Dedication ceremonies planned for April 21-22. A Symposium is planned for April 21 along with the Annual Alumni Dinner, to which seniors are invited. Earl Warren and Herbert Wechsler are to be the principle speakers at the Dedication. A committee headed by Tom Boardman intends to see to it that the students retain a role in the

planning segment and in actual participation in the ceremony.

A committee headed by Gary Feder is presently investigating complaints as to library operation, such as the recent influx of St. Louis University Students into the library. Mike Werner relayed his conversation with Mrs. Joan Cronin concerning job placement and any problems regarding policy decisions.

The major point of discussion concerned the initial report of

the committee on Classroom Procedure headed by Greg Hoffman. The report defines its scope as "a two pronged effort; First, to prepare a statement, to be later incorporated into a student Bill of Rights, outlining basic student rights with respect to classroom procedure; and second, to confront some of the existing student-professor problems in classroom procedure which need to be discussed now." Some lengthy meetings are planned to come up with a set of recommendations to present to the student body. As with all SBA meetings, any law student is invited to participate in the discussions.

## Delta Theta Phi

by Douglas G. White

The newly elected officers of Delta Theta Phi, Benton Senate are: Dean, Richard F. Doerr; Vice-Dean, Mason W. Klippel; Tribune, Joseph A. Derque III; Clerk of the Exchequer, Joseph A. Miller III; Clerk of the Rools; Bernhardt W. Klippel III; Master of the Ritual, Donald Haynes; and Bailiff, Edward D. Holmes.

The officers for 1972 will continue "Footsteps and Practicality" Seminars which attempt to fill the gaps to contemporary legal education. "Footsteps" will provide each member with an opportunity to spend a day with and participate in the routine of a practicing alumni attorney. "Practicality" Seminars are a series of lectures presented by alumni that concentrate on specific details and procedures of the legal profession in the St. Louis Community.

Mr. Edward Boedeker, former President of the Missouri Bar Association, will discuss the relationship of the Bar Association to recent law school graduates on Wednesday February 23 at 11 a.m. in room 301 of Mudd Hall. All members of the Washington University Law School are cordially invited to attend.

A dinner at the Playboy Club is tentatively scheduled for March 4, and Benton Senate will attend the April 7 opening game of the Cardinal baseball season.

## High scores highlight hockey hi-jinx

Bobby Orr has decided to stay in Boston.

This, despite an exciting brand of hockey being played by a group of Washington U. law students at Shaw Park in Clayton.

Twenty students, more or less, meet at pre-dawn each Friday to clash on the ice in truly epic combat. No one can say which team wins, because neither team has as yet been named. The scores of the first two contests were 16-14 and 23-19, more or less.

In the first game, Brawlin' Steve Biesantz and Ken "Goal-Mouth" Brown formed two-thirds of the famed Sour Kraut line, dividing eight goals evenly between them. Tom Beltz scored so many that he failed to count them and was denied standing in that week's list of top scorers by Biesantz and Brown. Jim Mendillo and Tom

Boardman also lit the light innumerable times. Joe Derque was in goal for the victors. He was awarded the Vicuna Trophy for his efforts.

The second week's action was marred by injury and hot tempers. Derque, again in the nets, was the first casualty in the two-year series of games, when he was cut above the left eye during some heavy action around the goal.

Professor David Becker was next. His skate got caught as he was skating behind the nets, breaking a small bone in the right ankle. He will be in a cast for six weeks.

Professor James Jablonski emerged from the fracas with his first hat trick of the season, despite an half-hour's absence from the game while he administered to his daughter's ailing hamster. Mendillo, Boardman, Beltz, and Dave Lindgren all scored several goals apiece.

## Lessons in Pleadings (Cont. from P. 4)

defendant's train toilet, for the reason that it is not alleged that this railroad company was given any advance notice of the plaintiff's precarious condition in such manner as would require it to render any unusual service in preparing the commode in its toilet for said sudden call.

3. The Defendant further specially excepts to said petition wherein it is alleged that the plaintiff, upon discovering that the wooden stool was wet, raised the same and squatted with his feet poised on the procelain bowl of the commode, from which roosting position he says his foot slipped causing him to fall to the great detriment of his left testicle, for the reason that it is obvious that the said commode with its full moon contours was rightfully and properly designed for the comfort of sitters only, being equipped with neither spurs, stirrups nor toe-holds for boots or shoes; this defendant, therefore, was not legally required to foresee that the plaintiff, traveling on its modern, air-conditioned deluxe passenger train would so persist in his barnyard predilections as to trample upon its elegant toilet fixture in the barbaric style of horse and buggy days.

4. For further answer, if needed, this defendant enters its general denial and specially pleads that the plaintiff should not be allowed to recover any sum against it for the reason that the plaintiff is, in truth and in fact, a chronic squatter, born and bred to the custom of the corn crib, and, although a comparatively young man, is unable to adapt himself to the cultural refinements of a New Deal civilization, and should have, therefore, in the exercise of due care deferred taking the Crazy Water Crystals until such time when he could be at home secure and surefooted on his own dung-hill or with his feet planted solidly on the flat boards of his own old fashioned two-holer.

It is shown that this defendant had installed in said toilet a plentiful supply of paper and towels with which plaintiff could have, if he had so chosen, cleansed the stool of the sprinkling left by the poor aim of the one who preceded him, and that the plaintiff's failure to do so was negligence which contributed to cause his injury.

It is further shown that if the plaintiff's physical inhibitions rendered it imperative that he squat rather than sit in order to successfully consummate said carnal task, or if the plaintiff's conscientious scruples forbade that he sit, as this defendant verily believes and alleges the fact to be, then and in that event the plaintiff should have by way of a minimum precaution pulled off his shoes before perching his feet on the slick procelain bowl; that his failure to so shed his shoes constituted negligence which was the sole proximate cause of his downfall and all the resulting woe to his left testicle.

WHEREFORE, the defendant prays that the plaintiff take his troubles elsewhere, recovering nothing against this railroad company, and that it be allowed to go hence with its costs.



# Whitman outlines future plans of SBA

by Bill Berry

Each Wednesday at 11:00 a.m. the Student Bar Association (SBA) conducts an open meeting in Room 403. The SBA, which has no affiliation with the national or local bar association, is the newly organized student government for the law school.

Although it might be considered the successor to the defunct January Inn, there are few similarities between the two organizations. David Whitman, President of the SBA, stated there were absolutely no connections between the new government and January Inn. SBA received none of the funds from the former organization and is in no way connected with

operations of January Inn.

The financing of the SBA will come from the profits of the Book Mart operated each semester for the sale of used textbooks in the law school. Whitman stated that the Book Mart grossed over \$1,000 in sales at the beginning of this semester from which it took 10% in commissions. This money will be the operating funds for the student government; no dues or fees will be solicited or collected from the students.

Whitman outlined the functions the SBA plans to conduct as the law school student government. One of its primary functions will be to investigate student complaints. It is hoped

that by conducting meetings open to the students, complaints and suggestions can be aired and the SBA will be able to examine their legitimacy. A committee will be formed from the SBA representatives and interested members of the student body of the law school. The members of this committee will go to the source of the problem by meeting with the person or the administrative office from which the alleged problem arises.

The intent of such action is to determine if the complaint is supported by truth or rumor. Therefore, they will be working directly with the faculty and the administration in solving these

problems. Whitman stressed that the SBA is a student-elected and student-run organization and intends to follow-up on any complaint or suggestion given by members of the student body.

When asked if these investigations might be duplicating the functions of the new student parallel committees, Whitman stated the SBA plans to take an active role in working with the faculty and administration. It will readily work with any active parallel committee, but will not wait for an inactive committee to begin functioning before the SBA becomes involved.

Currently the student government is examining complaints concerning the misuse of library privileges by the Law Quarterly

and the Urban Law Annual staffs and questions concerning job placement.

In the future, the SBA hopes to sponsor a speaker and is currently examining the possibilities of its participation in the dedication ceremonies of the Mudd Law Building. Information on these functions will be forthcoming. Socially, the student government will sponsor four or five sherry parties periodically during the spring semester.

Of course, the SBA will continue to operate the Book Mart each semester for the service of the law students. Whitman said that anyone who should get money back from the Book Mart should contact Bob Knowles or Scotty Moorman.

## Mrs. Cronin hampered by late start, bad market

by Beth Broom

A bad job market and a late start are hampering the Law School's Placement Office this year, but Mrs. Joan Cronin, assistant dean in charge of placement and alumni relations, is confident that the next hiring season - September-December 15, 1972 - will present a broader choice to Washington U. law students and graduates. The Office is designed to handle all law-related placement-any office or individual interested in hiring someone working towards a law degree, primarily graduating and prospective 3rd year students.

Dean Cronin states that in the future the office will seek jobs for students in all parts of the country, but, because the Placement Office is "starting from scratch this year with no previously organized way to solicit hiring information, this is impossible for this year.

The Placement Office is working under a disadvantage at

present, according to Dean Cronin, because the law school is now well known and it has increased its enrollment of non-local students who return to hometowns to practice law or seek summer employment. "This is changing; the law school has changed from a local institution to a national institution as the university has moved into academic prominence. We need to educate people about the law school so that they will feel free to hire deep into the class without worry. This shouldn't take long because the quality of law students here is getting better. The problem will solve itself."

"Students here are working under a misconception of law firm hiring techniques. Law firms are not organized as a corporation and frequently don't think ahead about personnel needs. Law firms do no recruiting 'per se' with the exception of a few large firms who schedule interviews at selected

schools or send out information and who hire on a regular basis. For the most part law firms have no projected budgets and no formal interviews; these are the ones that must be constantly contacted to determine when they hire."

The Placement Office plans to attack the informal hiring policy of most firms by establishing alumni committees in the areas of work in which students have shown an interest; by establishing a mailing list of firms willing to consider Washington University students for employment; and by formulating a method of out-of-town interviewing.

The effectiveness of future efforts by the Placement Office will be greatly increased if each 2nd year student will file a letter of intent suggesting possible locations and areas of interest in which he would like to work. 3rd year students are urged to complete the placement report which is still available in the Placement Office.

## Volunteers wanted for prison program

During the current school year, a group of law students has been working with prisoners at the St. Louis Medium Security Prison. The program is designed to help the prisoners with any legal problems or problems of readjustment they might have upon their release.

Many of the prisoners in the Medium Security Institution are indigent and no longer in contact with their court-appointed attorney. Our aim is to help them with any problem they might have in regard to appeal, parole or securing a favorable living situation upon release. In the past our work has involved researching Missouri law, drafting petitions or assisting those attorneys who are working with prisoners.

The program is purely voluntary on the prisoner's part. They are aware the program exists and have permission to see us.

At this time we are attempting to set up teams to visit the institution on a fairly permanent basis. Currently we have people scheduled to visit the prison on Wednesday and Friday afternoons and Saturday morning.

We feel this program has several advantages to offer. For those students who feel they have gained a large degree of knowledge, this program presents an opportunity for you to apply this knowledge to help a person in need. For those students who claim to be bored by the intellectual game of the classroom, this program presents a chance to work with real people and real problems.

Anyone interested in working at the institution on any day should contact Al Becker, Stan Lucas or Bernard Edwards. You are also welcome to come to our next meeting Wednesday, Feb. 23 at 2 p.m. in room 304.

## ADMISSIONS. . (continued from P. 1)

At present, students with a D.I. of 1300 or better are being sent letters of acceptance. Those students with D.I.s below 1150 are being sent letters of rejection; the remainder are being placed on a waiting list.

Students are not considered for acceptance unless they have a better than a 1.9 (out of 3.0) G.P.A. But Mr. Boren emphasizes that the DI is not the only criterion for acceptance. "We are still looking for people who can help the law school; also, those with special backgrounds and those people who will help society." Nevertheless, the DI rank is the deciding factor in 90% of the cases.

Mr. Boren hopes for a larger minority student enrollment this year. The Law School is sending letters to 2000

minority students who have recently taken the LSAT test. Letters are also being sent to those colleges and universities that have predominantly Black student enrollments. In addition, faculty members and some Black students are recruiting Blacks on an individual basis in various schools.

The criterion for admittance of minority students is somewhat different. Those minority students with G.P.A.'s of 1.9 or higher are being admitted with less emphasis on LSAT scores. This policy is not wholly acceptable to the present Black students, who will be meeting with the committee to discuss changes.

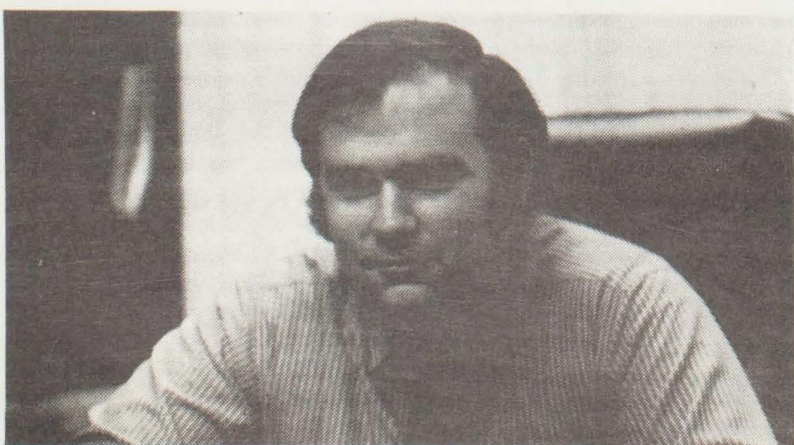
When asked whether the higher DI's of this year's freshmen class should result in a reduced flunk out rate, Mr.

Boren replied, "I certainly hope so. But the flunk out rate still depends, for a large part, on how the student applies himself to the school and whether he likes law school or not." At least one 1st year instructor has noticed an improvement in student performance and ability.

Law schools across the nation are finding the same deluge of application requests from better qualified students. Many, like Washington University, have increased their student enrollment significantly. Will this increased enrollment eventually result in greater difficulty in finding a job as a lawyer. Mr. Boren believes that it will. "The need for increased legal services is there, but the problem is in finding a

means to pay the additional lawyers. We are anticipating this problem—that is why we have hired a full time placement officer to help the graduates in finding a job in a tighter market."

The Admissions and Scholarship Committee is also considering making a change in criterion for awarding scholarships. The committee is considering going more, if not completely, to a need basis rather than a combination need-merit basis. At present, 20% of all tuition receipts are returned to students in the form of scholarships. Members of the parallel student committee on admissions and scholarships will be meeting with Mr. Boren and the faculty committee to discuss the student reaction to the proposed change.



Who is this man?  
(Where are his beard and glasses?)

## Ghosts of issues past

from the "Advocate",  
Nov. 14, 1969 —

"Professor Hazzard said that the first and most obvious problem facing law schools today is their inability to provide the student with the requisite technical skills which enable him to bypass the inevitable apprenticeship facing him immediately after graduation.

"The law graduate usually faces substantial apprenticeship

scut-work before being admitted to the councils that dispose of the questions to which his attention is chiefly directed in law school. Under present conditions this apprenticeship is often frustrating and demoralizing."

from a 1969 editorial —

What is asked is that better communications be established between faculty and students and that these communications

be part of an ongoing re-evaluation of faculty-student relations, curriculum revision and other topics.

from the "Advocate",  
Feb. 27, 1970 —

HU, an underground flyer that calls itself a newspaper, surfaced the day after the first semester ended. Since then it has appeared twice - both issues arriving around semester exam

(Cont. on P. 4)



# Faculty rejects SBA classroom proposals

Officers of the Student Bar Association met with the faculty Classroom Procedure Committee Monday, March 20 to discuss the acceptability to the faculty of the recently-proposed SBA standards for classroom procedure.

The discussion lasted two hours, but the student proposals were flatly rejected.

Students present at the meeting were Dave Whitman, president of the SBA; Rich McConnell, vice-president; Russ Scott, secretary; and Greg Hoffmann, chairman of the SBA Classroom Procedure Committee. Faculty members

were Neil Bernstein, Reed Johnston, and Gary Boren.

The proposals discussed were, in Whitman's words, "conservative" and asked that certain minimum standards be imposed upon all faculty in the areas of attendance, syllabi, preparation, and use of past exams. (See page five for complete proposals).

The faculty committee rejected all the proposals, claiming that classroom procedure was an area for faculty concern alone. Any student-drafted standards would infringe upon the professors' academic freedom.

The professors said that each faculty

member should be totally free to make any rules of classroom conduct that he deems necessary. Johnston suggested that if a professor required his students to wear coats and ties to class, such a rule would be enforceable. Bernstein considered the student proposals "bullshit". The discussion deteriorated from thereon.

All three of the faculty stressed the need for discipline in the classroom to be at the professor's discretion.

The SBA proposals which were rejected from the start of the meeting had taken several weeks to draft. Copies of the standards have been posted

throughout the Law School.

The faculty response to the proposals seems to foreclose future SBA concern with course selection, clinical law, and other areas that would "infringe upon faculty prerogatives".

Whitman sees an urgent need to re-evaluate the goals of the SBA and the areas in which it should function in light of the faculty committee's response to the classroom procedure proposals. He hopes the faculty will see there is a valid student concern with classroom procedure, and there is a need for more uniformity of rules and the elimination of arbitrary and unfair rules.

## the advocate



Vol. IV, No. 5

March, 1972

6 Pages

## Law School invites 3600 to Mudd dedication

More than 3600 students, alumni and friends of the Law School will be invited to attend the dedication ceremonies for Mudd Hall April 21 and 22.

Assistant Dean Joan Cronin said all students of the Law School will be invited to attend the two days of activities which will culminate with the dedication of Mudd by former Chief Justice Earl Warren of the U.S. Supreme Court. Also included in the guest list will be all former alumni of the law school; the deans of all accredited law schools in the United States; federal and state judges from the Eight Circuit, the Eastern District of Missouri, the Supreme Court of Missouri; and the 21st and 22nd Circuits of Missouri. The Law School's Board of Trustees and numerous friends of the Law School will be invited as well.

The activities will begin with a symposium, "One Hundred Years of the Fourteenth Amendment: Implications for the Future", on Friday, April 21 at 9:30 a.m. in the Mudd Hall Courtroom. Papers will be presented by four distinguished scholars - Kenneth Karst, law professor at U.C.L.A.; Philip Kurland, professor of law at the University of Chicago; Robert Carter, former general counsel for the NAACP; and John Frank, practicing lawyer and author of several books about the U.S.



Robert Carter

Supreme Court.

Moderators for the symposium will be the Executive Director of the American Law Institute, Herbert Wechsler, and Francis Allen, former dean at the University of Michigan Law School.

Karst's paper is entitled, "Not One Law at Rome and Another at Athens: the Fourteenth Amendment in Nationwide Application".

Kurland, who, like Karst, is famous for his analyses of the Warren Court's decisions will deliver a paper entitled, "The Privileges and Immunities Clause:

"It's Hour Come Round at Last?"

Carter worked extensively in the NAACP with Supreme Court Justice Thurgood Marshall. His paper will be "The Fourteenth Amendment's Guarantee of Equal Educational Opportunity".

Frank, who represented the defendant in *Miranda v. Arizona* before the Supreme Court, will speak on "The Original Understanding of Equal Protection of the Laws".

Two of the papers will be presented in the morning and two in the afternoon. Dean Hiram Lesar has announced that all classes conflicting with the symposium will be postponed to be made up at the instructor's discretion.

After a day of intellectual stimulation, an evening of relaxation is planned. The Alumni Dedication Dinner will be held in the Grand Ballroom of Stouffer's Riverfront Inn. Cocktails will be served at a cash bar from 6:30 until 7:30. Dinner will follow.

All seniors and their guests will be invited to attend the dinner courtesy of the Law School Alumni Association. First and second-year students will be able to obtain tickets at \$5 per person. Tickets to the dinner for alumni will cost \$8. Reservations and payment in advance will be required for all those who plan to attend.

Guest speaker at the dinner will be the Honorable James R. Browning,



John Frank

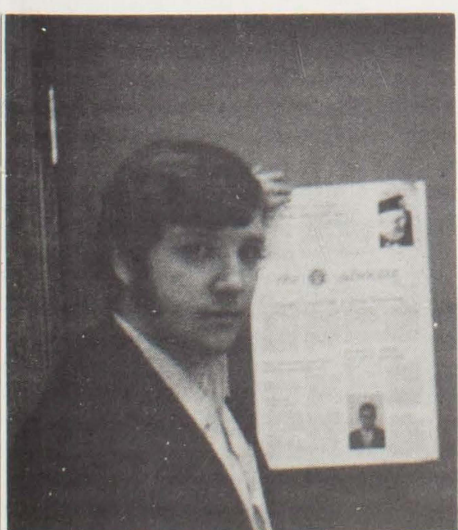
Judge of the U.S. Court of Appeals for the Ninth Circuit. Former Chief Justice Warren will be the guest of honor.

The formal dedication of Mudd Hall will begin at 10 a.m. Saturday, April 22. It will be held in the Mudd Hall courtyard, weather permitting. Warren will be the featured speaker at the dedication ceremonies. An open house will follow the dedication.

## Doster named editor-in-chief

Mike Doster, 23, has been named Editor-in-Chief of the Advocate for 1972-73.

Doster, who served as managing editor for the newspaper this year, graduated from Case Western Reserve University in 1970 with a degree in economics.



"...an active role."

"The success of this year's paper," Doster said, "has proven that a handful of dedicated people can put out a quality newspaper, but it's a situation that I hope will not be repeated next year."

The new Editor said he hopes to interest many students in writing articles for the newspaper. "The Advocate plays a very important part in the development of the law school, and I think more students should want to participate in it. We can only be as good as our reporters."

Doster said the Advocate will continue to inform students about events and activities but he hopes to expand the paper's "investigation and evaluation of policy decisions that are often made without the students' knowledge".

He wishes also to increase the number of articles from practicing lawyers and faculty members dealing with aspects of their work and the problems they encounter. "If we can't have a clinical law program, we should at least learn second-hand what the practice of law is like," Doster said.

## Missing - books, wallets, etc. Wanted - an end to vandalism

by Al Frost

"Would whoever stole my wallet, please at least return the pictures and identifications."

"Missing - textbook in Criminal Justice Administration. Reward."

These notices and others like them are becoming more and more common at Washington University Law School. Someone has adopted a set of guerrilla warfare tactics that is notable only for its callousness toward others.

Mudd Hall, just seven months old, has suffered abuse and misuse out of proportion to its tender age. Dogs are, at times, allowed to relieve themselves within the building; people have been reported to do similar acts in trash cans and urinals; at various time, the student lounged has been devoid of furniture, or strewn with trash; people extinguish their cigarettes either on the desks, carpet and chairs or stick them in the holes in the wall. The list goes on *ad infinitum*, *ad nauseum*.

These and other acts of student thoughtlessness have engendered writ-

ten responses from the library and the Student Bar Association, and various oral responses from Dean Hiram Lesar, the library staff and the custodians and maids, some of which are not printable.

The responses have not been unwarranted, nor have they been effective.

Theft and misuse of library books continues; patrons of the library witness the tripping of fire alarms not infrequently; many persons head to a study area in the library with food and drink in hand; and, perhaps most frustrating of all, seats in the library reading room, are non-existent because students have left the tables strewn with books and papers. Not only do these activities cause frequent disturbance or inconvenience, they totally preclude study. If a student can find a seat during the peak hours, the books necessary to his research are not on the shelves, and are nowhere to be found.

The problems are legion. The

Cont. on page 4



## Editorials

### Students, please - we'd rather do it ourselves!

The Student Bar Association spent more than a month preparing proposals for classroom procedure which it hoped might be adopted by the faculty. These proposals, to be sure, would require some professors to modify their classroom techniques; but they were, most students would agree, moderate standards which would benefit faculty and students alike.

The faculty Rules Committee flatly rejected the proposals. The three-member committee plainly stated that students had no business interfering in "faculty prerogatives". Each professor, they said, must have the academic freedom to teach as he sees fit.

So, the SBA proposals are gone. But more importantly, the attitude of the three professors, if shared by their colleagues, will totally emasculate student initiative in the many areas where reform is needed.

If classroom procedure is a faculty prerogative then surely course selection is also. Admissions and scholarships are faculty concerns. Student conduct affects performance; it too comes within the faculty's exclusive jurisdiction.

There can be no future for the SBA if its efforts are to be ignored by the faculty. Students have been told, in effect, to forget about the quality of the law school they attend. They have been ordered to bury their heads in books, and let the faculty work it out.

One faculty member was asked his opinion of the SBA proposals. His answer was, "Bullshit."

Our reply to his attitude must be the same.

### Great Expectations?

Rejection of the SBA classroom procedure proposal is discouraging, but it is not unexpected. The faculty and administration have consistently denied any limitation upon their discretion in this area. Moreover, without active student support, no SBA proposal need be seriously considered.

Indeed, student body support is at its lowest ebb since the advent of parallel committees. Last year's activists have become this year's transients, increasingly noncommittal as the day of departure approaches.

Of course, this is not an unusual attitude. What is disheartening, however, is that the freshman class is apparently enthralled with all that is Wash. U. Law School. True, a few ill-conceived attempts at raising issues have been made - such as penciled-in comments on posted bulletins and restroom walls and, lest we forget, our erstwhile competitor, *Donos*. But, for the most part, this class lacks the activism exhibited by last year's freshman class.

Whatever the reasons for student attitudes, it is clear that SBA is making proposals in a vacuum. Many students complain, but few are willing to act. Without active support, no proposal will be seriously considered if it involves even the slightest limitation of faculty discretion.

Consequently, when proposals are thrown back in our face and denounced as "bullshit" it would be foolish to lament, "I can't believe I ate the whole thing!"

M.D.

### And it came to pass

And it came to pass that early in the morning of the last day of the semester there arose a multitude, smiting their books and wailing. And there was much weeping and gnashing of teeth for the day of judgement was at hand and they were sore afraid.

For they had left undone the things which they ought to have done and had done the things which they ought not to have done. And there was no help for it.

And there were many abiding in the dorms who had kept watch over their books all night, but it naught availed them.

And these wise ones were known to some as the burners of the midnight oil. But by others they were called the curve wreckers. And the multitude awoke and ate a hearty breakfast.

And they came unto their appointed place, and their hearts were heavy within them. And they came to pass, but some passed not, but only passed out.

And some of them repented their riotous living, and bemoaned their fate, but they had not a prayer. And at the last hour there came one among them known as the instructor, he of the diabolical smile, and passed papers among them and went his way.

And many and varied were the questions asked by the instructor, but still more and varied were the answers given; for some of his teachings had fallen among fertile and some among barren minds.

Others had fallen fallow among the fellows, while still others had fallen flat. And some there were who wrote for an hour, others who wrote for two, and some who turned away sorrowful.

And of these many offered up a little sacrificial bull, in hopes of pacifying the instructor, for these were the ones who had not a prayer.....

So be it.

2 Levitticus 1111

## the advocate

Editor-in-Chief ..... Ken Brown  
Managing Editor ..... Mike Doster  
Photography ..... John Parker

## Exam Schedule

| Date              | Morning Session                                            | Afternoon                               |
|-------------------|------------------------------------------------------------|-----------------------------------------|
| Monday, May 1     | Commercial Law<br>Legal Profession                         |                                         |
| Tuesday, May 2    | Federal Jurisdiction<br>Regulated Industries               | Restitution<br>Land Transactions        |
| Wednesday, May 3  | Consumer Protection<br>Social Legislation                  | *Constitutional Law<br>Jurisprudence II |
| Thursday, May 4   | Trusts and Estates<br>Taxation of Business<br>Associations |                                         |
| Friday, May 5     | Criminal Justice Administration, Corporations              | Law of Communist Nations                |
| Saturday, May 6   | Family Law                                                 | *Procedure                              |
| Monday, May 8     | Labor Law II<br>Estate Planning II                         | *Contracts                              |
| Tuesday, May 9    | Environmental Controls                                     |                                         |
| Wednesday, May 10 | State and Local Taxation                                   | *Legal Process                          |

\*Freshman course

1) There will be no final examination in International Law II.

2) The final examination in Jurisprudence II will be a 24 - hour take-home examination.

### Tips from an old pro: how to fight those 55s

(Editor's note: A benevolent faculty member who did pretty well as a law student submitted the following article to the Advocate in the hopes that it might aid students in their struggle to pass. He did, however, ask to remain anonymous, perhaps fearing the wrath of those for whom this advice will not suffice.)

The typical law school examination question is a narrative statement of facts—facts that give rise to legal relations among two or more persons. From those facts you are to ascertain and discuss the legal relations. Other kinds of questions do occur, but they are somewhat rare and can be handled like similar questions on undergraduate examinations.

FOCUS ON THE FACTS AND ISSUES. In an examination answer, abstract statements of law count very little. A student who memorizes the Hornbook or the Restatement and reproduces it verbatim as his answer to the examination will flunk. Law school professors do not want just a statement of legal rules. They want you to select the rules that apply to the facts in the question, and they want you to demonstrate that you know what happens when those rules are applied to the given facts. Let us, in the best law school tradition, consider a hypothetical case. Suppose the question reads as follows: "A sneaks up behind B and hits him on the head with a club. Discuss the rights of the parties." The student who writes: "Any intentional contact with a person, not privileged, is a battery; any act that intentionally cause apprehension of contact, not privileged, is an assault," will flunk. But the student who writes: "A has committed a battery because he intentionally and without privilege contacted the person of B. He has not assaulted B because on the facts as given, B had no apprehension of the blow before it fell. Nevertheless, A is liable to B for the battery," will pass with flying colors. The moral is clear: spend

fact of legal rules applied to the given facts. Don't just restate the facts, because this wastes time. Don't just state the legal rules, because that's not what is wanted.

THE CASE OF THE MISSING FACT. Sometimes you may be given a question in which a critical fact is missing. For example, suppose you are given a question in which A drives through an intersection at which there is a functioning traffic signal; while in the intersection his vehicle is struck by a vehicle driven by B, injuring A; you are asked to discuss B's liability to A. What you are not told is whether the light was red or green when A entered the intersection. In writing an answer to this kind of question you should point out that this fact is missing and important. If the light was red, A was, or at least may have been, guilty of contributory negligence. If it was green, however, this possibility of contributory negligence is removed. (Other bases for contributory negligence may remain.) But you must be reasonable. For instance, in the same question you are also not told whether or not A was being chased by a monster from Mars and whether or not a reasonable and prudent man would run a red light when so chased. You are not going to get any points for a discussion of this possibility.

THE RED HERRING FACT. Sometimes in writing the question your professor will put in facts that do not affect the results at all. If these are just for flavor (professors sometimes get carried away by their own creativity in writing examination questions), ignore them. If, however, such facts would in some similar cases affect the results, but don't in the question before you because of some other facts—or because of some exceptions to a general rule—then you should state expressly in your answer that the given fact is irrelevant and state why it is irrelevant.

QUITE—APPLIES. In our hypothetical examination question about the "battery" the model answer also discussed "assault" even though no assault was involved. This is the right way to write a law school examination, but it is one of the hardest knacks to master. No assault was involved, but points are given for discussing why there was no assault. No defamation was involved either, but no points are given for discussing why there was no defamation. When the facts of the question fairly suggest a particular line of analysis—when a reasonable and prudent lawyer would think about, and then reject, "assault"—the answer should reflect the express rejection of that line of analysis. Otherwise the professor cannot tell whether you thought about and rejected the "assault" theory or whether it never occurred to you. In our hypothetical case it is fairly easy to see that assault is relevant, but in many questions the distinction is much more difficult. If you are in serious doubt, expressly reject the rule, but do it as tersely as possible.

PLANNING AN ANSWER. Whenever time permits, and it usually does, make a brief outline of your answer before you begin to write. The major headings in that outline should be the issues involved in the question but under each issue heading you should list the facts relevant to that issue. After you have sketched your outline, reread the fact pattern carefully. Are there facts in the question that do not appear on your outline? If there are, are they really "red herring" facts, or have you missed a significant issue? While you probably will not have time for an elaborate outline, at least think in terms of an outline. Try to scribble enough of an outline so that if a thought about the second issue occurs to you while you are writing about the first issue, you will have some place to record and capture that wandering thought.



## Letters to the editor

## Help!

After a turbulent six year relationship with the Selective Service culminating in a felony conviction last fall, I find myself in a position to challenge the draft in the U.S. Supreme Court. I am now, a summary of the facts: In July 1970 I returned to Los Angeles from Europe where I had helped organize a peace conference for the Fellowship of Reconciliation. Shortly thereafter FBI agents arrested me. Charge: failure to report for armed force physicals. After two days in County Jail I was free on \$10,000 bond. I immediately retained the firm of Alan Saltzman and Martha Goldin, members of the ACLU, to defend me. Despite having taken a physical in April 1970 at the US Army (NATO)-Brussels, I was accused of missing it as well as the year before. NATO's delay in sending a report gave my draft board an excuse to defer my file to the Justice Department for prosecution. In the Government's hands, the file was combed for a technicality—and they found one.

The trial judge acquitted me on the 1970 count, but held that I was guilty because I postponed the 1969 physical. (In 1969 the draft board accepted my excuse and sent me a new order, indicating at that time that I had lied within the law.)

Three Circuit Court of Appeals judges heard the evidence and decided my use of draft regulations constituted "a history of evasion." They chided me for

"exhausting the patience of indulgent authority."

It is up to the Supreme Court now. We have two arguments: 1. Lawful avoidance by-the-rules is not evasion. It is a basic right of the registrant to avail himself of whatever means of delay and appeal exist in draft law.

2. A Government agency must be consistent. For example, once a draft board embarks on a certain course of action (in this case, approving transfer and postponements), it must follow through. It may not reverse course and after-the-fact make the previously approved conduct into a crime. The significance of these arguments to administrative law, due process and constitutional rights should be apparent. Our success will benefit thousands of young men by setting constructive legal precedents; conversely, if we let the present verdict go unquestioned, thousands can be hurt by "bad law."

If you are interested in supporting our legal challenge, please give what you can. We have already spent \$1,750. We will need at least that much more to get the case before the Supreme Court. Send contributions to Saltzman and Goldin (earmarked "For John Maybury"), 6430 Sunset No. 521, Hollywood 90028. Or, if you prefer, to us.

John and Leslie Maybury  
330 Market St.,  
Venice, Calif. 90291

## Illinois passes new pollution control law

by Bill Berry

Effective in July, 1970, the Illinois Environmental Protection Act (IEPA) created an efficient system for control of pollution in the State. The chief innovation of the act is that it centralized all of the anti-pollution activities in the State.

Prior to this enactment, all areas of environmental concern—air, water, sanitary and waste disposal—were under the administration of separate agencies with separate enforcement boards and separate standards and regulations. IEPA has placed air, water, land, noise, and atomic radiation pollution along with the regulation of

refuse disposal and the state's public waterways under central enforcement and regulation agencies.

The Environmental Protection Agency is created to handle the technical operations of enforcement and regulation under the Act. Empowered with the authority to maintain surveillance of sources of possible or actual contamination of any area of the environment covered by the Act, the Agency investigates all violations or potential violations and presents the enforcement cases before the Board. Supplementing this

authority, the Agency is granted the right to enter private or public property for the purpose of conducting such investigations.

The Agency not only collects data and conducts such experimentation necessary for the enforcement of the pollution law, but it is a source of dissemination of information to the public concerning regulations under IEPA.

The Pollution Control Board is an independent board with extensive judicial and regulatory authority. All rules and regulations implementing pollution control in Illinois are to be approved by the Board. But the essential purpose of the Board is to conduct public hearings on complaints charging violations of the Act and its regulations or on petitions of variance or appeals from the Agency's denial of a permit.

Public notice of each meeting will be posted and is served upon all parties of a dispute. The power to "subpoena and compel the attendance of witnesses and the production of evidence" is granted to the members of the Board. Thus, the Board is granted and utilizes the judicial powers necessary to enforce the pollution laws of Illinois.

IEPA also creates the Illinois Institute for Environmental Quality as part of the Executive branch. Its duty is to conduct studies and programs relating to the technology of environmental control and to store and process the relevant data for the continued study of the environment.

Additional penalties have been established to punish violators of IEPA. A \$1,000-a-day fine can be recovered in civil actions against anyone who continues a violation after the Board has filed an order. Summary injunctive powers are given the Agency to halt a polluter in an emergency condition. Such an injunction cannot be violated until the Board has held a hearing to determine the virtue of the action.

The total effect of IEPA is that all pollution control is centralized in the duties of the Agency and the Board. The Act does provide for judicial review of all Board hearings and provision is made for variances from the regulations when hardship cases occur. But, the Board possesses the enforcement power to be used immediately without the costly and time consuming delay of following a civil suit through the judicial system.

It is too soon to assess the effectiveness of IEPA, but, at the very least, it provides the means for solving the pollution problem in Illinois.

While IEPA is only a first step, it is a large one, a step that other states must follow soon.

## Rumor squelched

Rumors have been circulating that Professors David Becker and Dale Swihart will take leaves of absence from the Law School next year.

Becker said that he had turned down an offer to teach at the University of California next year. He will remain at Washington University.

Swihart also indicated that it was not likely he would accept an offer to teach for one semester at the University of North Carolina.

Opinion  
Beutel's retirement a loss

Professor Frederick K. Beutel will not return as a faculty member next year. He has reached retirement age and so the faculty has decided to let him go.

In the last three weeks, a petition was presented to the faculty bearing more than two hundred student signatures requesting that Beutel be retained. The petition apparently had no effect.

While no one expected a youth movement from the faculty, Beutel, whose scholarship and classroom manner are outstanding, will be released because of his years.

On a clock, Beutel's age is now nearly 7:50 p.m. He is a venerable mentor of priceless wisdom and experience. His wiry wit is a blessing to many who have chanced to take the commercial code. An inspiration to inceptors, he must now step down because for him it is after 7:00. Hastings' Haven now awaits...

Another teacher who used to reside at the Waldorf Astoria said: "Youth is not a time of life; it is a state of mind. It is not a matter of ripe cheeks, red lips and supple knees. It is a temper of the will, a quality of the imagination, a vigor of emotions. It is a freshness of the deep springs of life."

And so General Douglas MacArthur said: "Nobody grows old by merely living a number of years. People grow old by deserting their ideals. Years wrinkle the skin; but to give up enthusiasm wrinkles and soul! Worry, doubt, self-distrust, fear

and despair—these are the long, long years that bow the heart and turn the greening spirit back to dust.

"You are as young as your faith, as old as doubt; as young as your self-confidence, as old as your fear; as young as your hope, as old as your despair. In the central place of your heart there is a wireless station. So long as it receives messages of beauty, hope, cheer, and grandeur, courage and power from the earth, from men and from the Infinite, so long are you young!"

When the wires are down, and all the central place of your heart is covered with the snows of cynicism and the ice of pessimism, then you are grown old at any age."

At 7:50 the venerable mentor is extremely prodigious though he has taught commercial law for years. At 7:50 he spends hours looking up the answers to student questions. At 7:50 he will spend taxing hours researching student moot court briefs in preparation to serve as a judge. At 7:50 he is vivacious and inventive.

At 7:50 he is still only 2:50 in heart and soul. Must the clock stop? Isn't the tempo such that "the way shall become so clear that a wayfaring man, though a fool, shall not err." Even electric clocks must be rewound. One so dedicated as our 7:50 mentor merely needs the gentle appreciation of those of us who have passed this way. The clock continues its steady heartfelt beat awaiting others.

S.B.



Duane  
and Dana

Tournament champs, Dana Contratto (facing camera) and Duane McDevitt (back to camera) play a hand against Jan and Ken Brown in the St. Patrick's Day competition.

McDevitt-Contratto  
cop bridge title

The last team to enter was the first to finish.

Duane McDevitt and Dana Contratto, the last team to enter the Advocate's Duplicate Bridge tournament held March 17, beat even other teams in a sixteen-hand competition to capture first-place honors.

McDevitt and Contratto, playing North-South, had the best boards in six hands and led for best board in three other hands. They earned 51 points.

Camilla and Jules Gerard were the second-place North-South team with 49 points.

Jan and Ken Brown led East-West teams with 49. Gloria and Lewis Mills were close behind with 45 points.

Mike Walker and David Jones and Conni and John Parker also played North-South. Other East-West teams were Jim Christman and Steve Stogel and Sam Bertholet and Jack Meler.



The Mills  
query Gallo

Gloria Mills (standing) prepares to test the refreshments provided by the Advocate. Seated at the table are Jan Brown (l.) and Conni Parker (r.). Standing behind Dean Mills is Carl Lang, a kibitzer.



## Vandalism wrecks Mudd

Cont. from page 1

solutions are more limited.

At its March 15 meeting, the faculty adopted a resolution to prohibit smoking in the classroom, at least partially in response to the demonstrated inability of the students to be respectful in their use of the privilege. Ultimately, however, the only solution must be the exercise of self-restraint, and the exhibition of self-respect.

Lesar feels such activities as theft of books, and defacing of property are clear violations of the Honor Code, and the only effective enforcement that can occur must be on student initiative. Noting that the faculty has always backed the disciplinary actions of the Honor Council, Lesar said the foundation of the Code is full student cooperation to insure enjoyment of the building and the benefits of a legal education. He also made clear that in society as a whole, lawyers occupy a responsible position, and, if a student did not choose to act accordingly, he should not be a lawyer, or in law school. This applies, he said, to the trash situation as much as to theft.

Miss Jean Ashman, chief librarian, does not believe the rate of bookthefts has increased over what it was at January Hall, which she said was small. However, there are library staff members who feel the rate of thievery has increased markedly due to the ease of access and increased use of the library. Students could improve the situation by checking out books when they are removed, and reshelving those used in the library. While the SBA has advocated a 24-hour checkpoint at the library entrance, this measure has not been adopted because the increased costs and restrictions are regarded as unfavorable. Closed stacks would solve the problem, Miss Ashman noted, but she feels that should be a last resort because of the character of legal research in general and the tremendously increased costs of operation. Perhaps, if first-year students listened more carefully to Mr. Becht, vandalism and negligence would stop. At Level One, the students have a duty, and the breach is evident; the causation "clear-simple."

## Phi Delta Phi

by Rich McConnel

Miss Erna Arndt, Registrar at the Law School for 25 years, was the honored guest at the Phi Delta Phi monthly dinner at the Cheshire Inn on March 22. Miss Arndt was presented with a silver pendant in recognition of her devoted service.

William Von Glahn and Howard McNier received Phi Delta Phi \$100 scholarship awards for being the top ranking students in their respective classes.

Principal speaker for the evening was Joseph P. Teasdale, candidate for the Democratic gubernatorial nomination. Teasdale related his experiences as an assistant U.S. Attorney and as a Prosecuting Attorney for Kansas City since 1966. Calling himself the people's candidate, Teasdale explained why he thought his walk across the state was necessary.

Since he has severed himself from organized political

machinery, he believes that the walk was a good way of publicizing his campaign and obtaining grassroots support. More importantly, Teasdale believes that a politician should go to the people and determine what the people want.

Phi Delta Phi will hold an Alumni brunch on Saturday, April 8. Joseph Badaracco, President of the St. Louis Board of Aldermen, will be the guest speaker. The brunch is also intended to provide an opportunity for members to discuss the St. Louis job market with alumni.

The April dinner at Cheshire Inn is scheduled for Thursday, April 13, and Missouri Attorney General John Danforth will be the speaker.

Any law student who is interested in learning more about the fraternity should contact Steve Banton (President), Stan Lucas (Vice-President), or Bill Von Glahn (Treasurer).

## Delta Theta Phi

Douglas G. White

Benton Senate of Delta Theta Phi held its first annual dinner party on Saturday, March 4th at the Playboy Club. Following a cocktail hour, twenty-three couples enjoyed an excellent steak dinner served in the Playmate Bar which had been reserved for Benton Senate. After dinner, door prizes were awarded to Nancy Vaughn, Mrs. David Jones, Gary Fulghum, Bernie Klippel, Tom Story and Rich Doerr. By acclamation, an annual dinner at the Playboy Club will become a Benton Senate tradition.

On Wednesday, March 22 at 7:00 p.m. thirteen pledges became active members of Benton Senate. The ceremony occurred in the courtroom of Judge Robert Campbell, located in the new County Courthouse, 7705 Carondelet, Clayton. The new actives are: Jerry Drewry, Tom Story, David Jones, Gary Planck, John Rooks, Tom Soraghan, Don Haynes, Bill Hofmann, Jim Hux, Alice Kramer, Sue Schwider, Roberta Weiner and John Vogel.

After the ceremony, members attended a party at the Missouri Athletic Club as guests of fraternity alumni Campbell Alexander.

Don Haynes is handling fraternity arrangements for group tickets to the St. Louis Cardinals opening game on Friday, April 7th at 8:00 p.m. Alleged Chicago Cubs fans in Benton Senate will be permitted to attend.

Benton Senate in conjunction with the St. Louis Alumni Senate will attempt to place members in regular summer jobs. An experimental quasi-volunteer summer job program is being developed so that members can obtain clinical experience at a minimal cost to the employer.

Delta Theta Phi, Phi Delta Phi and the Student Bar Association will participate in the 1972 freshman orientation program that will increase direct personal contact between upperclassmen and freshmen law students.



Its name  
is Mudd....

The thoughtlessness which destroyed this sign has pervaded the law school unchecked. Every time a letter is removed, the school's name suffers, literally and figuratively.

## Annual accepts new candidates

Fifteen law students were accepted as regular Annual candidates following completion of a first semester writing competition. The fifteen are: Patricia Armstrong, William Berry, Beth Broom, Dana Contratto, Michael Doster, Jack Ginsberg, William Greer, Edward Holmes, Richard Kraege, Joseph Lehrer, Alan Nettles, Ben Rich, Stuart Sacks, William Sprague, and Dave Uhler.

Over thirty students enrolled in the competition. Professor Mandelker, faculty adviser, and the editorial staff of the Annual were surprised at the large turnout since only three students attained candidacy through last

year's competition.

Administering the competition proved to be difficult because of the large number of contestants. Case selection in some instances was less than optimal, and some students were forced to comment on the same case. However, comments were judged almost entirely on the basis of writing ability. In short, the staff was mainly interested in what the individual student did with his or her case. Performances on shelf-checking assignments was also a consideration.

The quality of the comments that were accepted was generally believed to be comparable to that of comment's

written by regular candidates. In fact, many of these comments are being considered for publication in next year's Annual.

The writing competition which is open to all second and third year students in good standing, will be held again this Fall. This year's staff believe that formal guidelines for the administration of the competition will have to be established in order to accommodate another large turnout. In addition, it has been suggested that the Annual should publish twice a year now that the necessary manpower is available.

## SBA plans orientation

by Dean Vance

Over the next few weeks, students will be receiving housing questionnaires from the SBA. The results of the questionnaire will be made available to incoming students next year to better enable them

## Scholarship Statistics

A number of first-year students recently expressed concern about the lack of financial aid for second and third-year students who did not receive financial aid as freshmen. In response to an SBA query on the subject, Associate Dean Gary Boren offered the following information in clarification:

"For the current year, 147 of the 450 law students enrolled receive some form of financial aid. This is a bit more than 32% of the students at the Law School. Last year the percentage was slightly in excess of 30%. This year, at least, about 60% of the total financial aid given went to second and third year students. The low proportions of upper classmen receiving aid is caused by the relatively large size of the freshman class. Thus, although the freshmen get almost 40% of total aid, only 18% of the freshman class are receiving some kind of financial aid administered by the Law School.

Currently, 15 second year students and 11 third year students who had neither scholarships nor loans as freshmen are receiving some sort of financial aid administered by the Law School.

All of the information above is exclusive of loans or scholarships administered outside of the Law School. Substantial numbers of students, for example, are receiving NDEA loans, which are administered by the Office of Financial Affairs for the University."

to find housing in St. Louis. As part of the SBA's role as student spokesman, a committee is presently formulating plans for freshman orientation next year. In addition to the orientation program at registration time, they plan to send each incoming first year student a packet of information concerning student organizations and activities, housing, study tips, and other information by August 1. The committee is also considering the re-implementation of a big brother-big sister program in conjunction with the legal fraternities. Under this program, each freshman would have a big brother or sister to whom he could write and get some of his questions answered before school actually starts.

## Law School Notes

### Courtroom Modified

The Law School courtroom is currently being modified to make it more conducive to conducting actual trials. A carpeted platform will be installed, and the bench will be raised so that attorneys will be able to place their elbows on it when addressing the judge. In addition, panelling will be placed around the bench and the jury box. The Washington University Law School seal will be placed on the wall behind the bench.

The work is scheduled to be completed by April 15, but there will be a delay because of difficulties encountered with the woodwork.

### Lecture Postponed

The Tyrell Williams lecture has been postponed until next September. Albert Jenner, the scheduled speaker, has been unable to complete his paper due to illness. Jenner, a prominent trial lawyer, is a member of a Chicago law firm and Chairman of the Commission on Uniform State Laws.

There are now plans to have several St. Louis attorneys speak briefly to students about job prospects in the area, job interviews from the firm's standpoint, training programs, and other questions students may raise. The tentative date for this is April 7. Following the meeting, free beer will be available in the court yard.

Some SBA members are also making plans for an all law school outing (including faculty) at Alton Lake near St. Charles for the first or second weekend after spring break. This will be strictly BYO food and booze affair. Details will be announced later.

Another area of SBA activity has been library policy. The SBA has contacted the St. Louis University Law School to explain the problems that result from St. Louis University law students using our library facilities during prime study time.

## Law matmen win IM championship

Law and Odor sweated victory in the W.U. Intramural Wrestling Tournament Thursday, March 16.

Three pins were recorded for the law team. Eric Treymayn, second-year student, completely overpowered his opponent, Chip Walden of Beta Theta Pi in the 142 lb. class. Eric's pin came in just 31 seconds.

Other pins were scored by John Harris, first-year student in the 134 lb. class and by Jerry Yawitz in the 150 lb. class.

Steve Johnson, first-year student, defeated his opponent, 6-3 in the 190 lb. class, and Dave Wenger, second-year student triumphed 6-2 in the 158 lb. class.



# Hockey will never be the same



"Nice block, Beez"



"Get the puck outta here!"



"Take it easy!"



"Stop him, stop him"

## SBA classroom procedure proposals

### I. ATTENDANCE

A. If attendance is required in a class, each student will be allowed a minimum of eight unexcused absences.

B. Absences for medical reasons, death in the family, military duty, and other adequate reasons, at the discretion of the professor, shall be excused. The student shall inform the professor of the cause of his absence at the next class meeting he attends.

C. These procedures shall not apply to seminars.

**COMMENTARY.** Regular attendance of classes is an undeniably important aspect of a legal education. Class attendance by coercion, however, does little to further a proper academic atmosphere. In deference to the ABA concern with compulsory attendance at law schools, this proposal is offered to promote regular attendance while eliminating penalties for unavoidable or infrequent absences.

### II. TARDINESS

Tardiness shall not be penalized.

**COMMENTARY.** Tardiness disrupts classroom discussion and infringes on the rights of the academic community. Expulsion from the classroom for tardiness is an equal disruption and infringement. A class is disrupted far less when a tardy student quietly takes his seat than when a professor stops the class to reprimand and eject him. As there are no rear entrances to the classrooms a tardy student should quickly take the nearest available seat. Classes begin at eight minutes after the hour, which is a reasonable time in which to proceed from one class to another.

### III. SYLLABI

A. All Professors shall make available to their classes at the first class meeting, or as soon as possible thereafter:

1. A written statement of attendance and preparation policies for that class within the guidelines of these procedures.

2. A semester syllabus including all required reading and if possible, the dates on which a particular assignment will be discussed.

**COMMENTARY.** Syllabi will enable the student to gain a necessary overview of the requirements of a particular course and to gauge his efforts. In addition, a concerted effort by all professors to distribute the course workload evenly throughout the semester will help to assure consistent optimum preparation by students and avoid an excessive burden at the end of the semester.

### IV. PREPARATION

A. Every student is expected to prepare for class. An unprepared student shall not be penalized, however, by being excluded from class, losing a portion of his final grade, or being subjected to other harsh punishment.

B. If a student is unprepared, he should see the professor before class and so inform him. For failure to follow this minimal professional courtesy, an unprepared student may expect that his nonpreparation will be considered an unexcused absence despite his presence in class.

C. Requirements for adequate preparation should be specified in the semester syllabus.

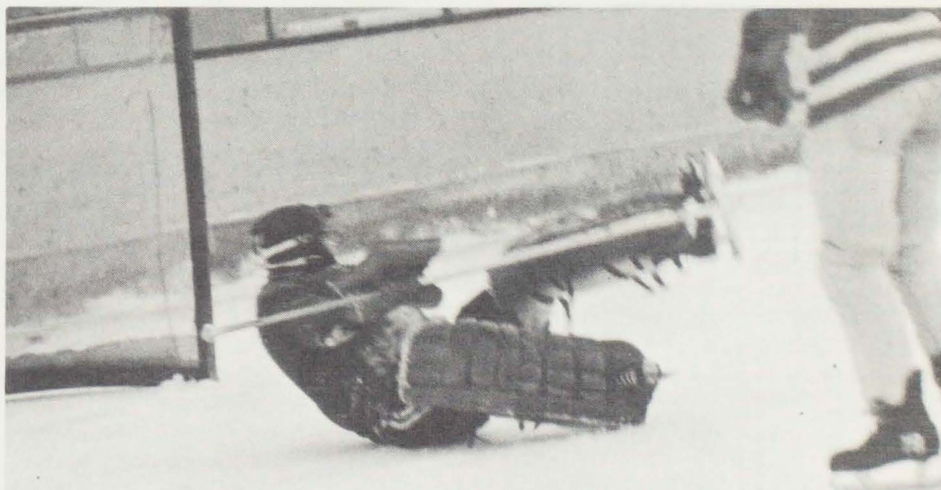
**COMMENTARY.** The ultimate grasp of the material in any particular assignment is the sum of efforts expended in preparation prior to class, classroom discussion, discussion within the academic community after class, review, and examination.

When circumstances have prevented a student from preparation he is severely restricted in his efforts to master the material at hand. To further restrict him by exclusion from class or other penalty hinders his progress and serves no useful purpose. The best interests of all are served when such a student is allowed to quietly follow the class discussion.

### V. HANDOUTS, PAST TESTS AND ANSWERS

Sample examination answers, syllabi, and other handouts should be distributed fairly to all students. These materials should be placed in one of the offices, put on reserve in the library, or handed out in class.

**COMMENTARY.** Due to the highly competitive nature of legal education, fair distribution of informative materials is imperative. Special treatment based on a student's academic standing, attendance, or similar criteria provides an unfair advantage to a select student or group of students. Although an individual's problems may require special attention after class, extensive, detailed information concerning general course work should be available to all.



"Great kick save — or did he slip?"

## M-PAC finds City jail needs reform

In October of 1971, approximately fifteen to twenty undergraduate students of Washington University, under the direction of Mr. William Spier, proceeded to investigate and make recommendations concerning the St. Louis Municipal City Jail.

### Students sue faculty

## They never learned that in the classroom!

Students at the University of Washington School of Law have sought to enjoin faculty members of that school from attending closed faculty meetings.

The students, whom have been barred from all faculty meetings, just as Washington University Law School students are, filed their suit in January, alleging that the closed meetings were in violation of Washington's Open Public Meetings Act. The students also seek to have a civil fine of \$100 per meeting assessed against each faculty member who knowingly violated the newly-enacted law. Four closed faculty meetings have been held since the students drafted a letter to the faculty indicating they felt

During the past few years, and particularly within recent months, the St. Louis Jail has come under heavy attack from legislators, concerned citizens, the news-media, and inmates regarding the cruel and unusual conditions that inmates are subjected to while detained in the jail pending criminal charges.

that the law did apply to faculty meetings.

Students did attempt to attend a faculty meeting after the students' letter was delivered to each professor, but they were asked to leave the meeting by the school's dean.

The faculty has requested a formal opinion from the state's Attorney General as to whether or not the law does apply to faculty meetings.

(Editor's note: Lest students conceive a similar action against the W.U. Law School faculty, they should be reminded that this is a private institution and therefore not susceptible to public disclosure acts. Only the faculty have the power to allow students to attend their meetings.)

With this background and with the need to learn more of the details surrounding jail practices, the students participating in the Washington University M-PAC study group proceeded to visit various jail officials and many ex-inmates who had been previously detained. Over a four to five month period, the students saw numerous persons and elicited some very cogent information.

In essence, the students learned that there is a tremendous deprivation of medical services and medical facilities to jailed inmates, and that there is almost an absence of any type of routine and acceptable medical care for persons confined in the jail. On one occasion a student learned of the fact that a pregnant woman gets no prenatal care whatsoever.

Also, ex-inmates gave the students information concerning how they were treated and told of various practices which suggest the need for major reform.

In this last respect, the students expect to write a succinct summary of their findings and then publish the material with the hope of further informing and educating interested persons about the need for change in the Municipal Jail.



## Frost and Rich are L.A. bound

On March 4, Washington University's Mock Law Office Competition team, Ben Rich and Al Frost, accompanied by their faculty sponsor, C. R. Haworth, overcame a strong challenge by the contestants from the University of Indiana, at Indianapolis, to emerge victorious in the Regional competition at the University of Notre Dame in South Bend, Indiana. Rich and Frost, winners of the intramural competition at Wash. U., were praised by the judges for the concern they evinced for the clients' viewpoint, and their judicious handling of the several ethical considerations presented in the course of the interview.

By virtue of their victory over

the teams from Notre Dame, Indiana and Iowa, Rich and Frost have earned the right to represent Wash. U. in the national competition at the University of Southern California April 15 & 16. The competition, in only its second year of national participation, in addition to interviewing a "client," requires the team to assemble relevant information in a pre-interview memorandum. This pre-interview memo is based on a hypothetical note from the "lawyers'" secretary and contains information indicating the probable scope of the problem. Following the interview, the contestants must dictate a memorandum detailing the information garnered, and indicating issues for further con-

sideration as well as possible courses of action to be taken. During the 30 minutes interview, the team is evaluated by a panel of judges on the basis of demeanor, ability to reach the primary problem involved, correctness of legal advice or alternatives presented and ability to handle ethical problems which arise through the course of the interview.

The problems are made available approximately two weeks before the competition to allow time to prepare the pre-interview memo, as well as, opportunity to determine interview strategy. This memo is evaluated by the judges immediately prior to the interview. The post-interview memo is dictated immediately following the interview, in a ten minute period and is graded on organization, correctness and completeness.

Frost and Rich will compete April 15 against two teams, as yet unannounced, in the semifinals. If they win there, they will meet the other semifinal winner on Sunday, April 16, with the national title on the line. The team views its chances for ultimate victory as favorable. Said Rich, "I think we have a 50-50 chance."

Good luck.



**Poised for action....**

Al Frost (l.) and Ben Rich will travel to Los Angeles April 15 to compete for national honors in the Mock Law Office Competition.

## Faculty approves plans for summer school

by Dean Vance

At the March 15 faculty meeting, the faculty approved "in principle" a summer school program for this summer. According to Associate Dean Lewis Mills, the faculty's approval is conditioned upon acceptance by Washington University's central administration. Dean Mills considers the recent SBA questionnaire on summer school instrumental in gaining central administration acceptance by showing that students desire a summer school program and would attend, thereby making its implementation profitable.

Two-hundred-thirty-six students responded to the SBA questionnaire, with 72 stating that they definitely plan to attend; 75 saying they might attend depending upon the courses offered; and 44 who might attend depending upon the availability of a summer job.

Only tentative plans have been made for this summer session. It is expected that two two-hour courses will be offered during the seven week session, each course meeting four times per week. Mills said the courses will be completed before the Missouri Bar examination is given in late July.

The primary reason for of-

fering a summer school is to enable those students who are lacking just a few credits to graduate on schedule. Mills said. Therefore, the two courses to be offered will most likely be courses not normally offered. If the courses offered were, for example, Conflicts or Evidence, or any popular course offered during the year, then some students, who need only a few credits to graduate on time, would not be able to go to summer school since they had already taken the course. Examples of course possibilities mentioned by Mills were Admiralty and Patent Law, but he emphasized that these were suggestions only.

If possible, the faculty wants to staff the summer school with visiting professors rather than Washington University professors. But this may not be possible for this summer session. Tuition is expected to be \$100 per credit-hour for the summer session.

Students having opinions, comments or questions concerning summer school should contact their SBA representatives or the members of the faculty committee on summer school, Messrs. Mills, Kelley and Swihart.

## New prof named

David J. Newburger 29, has been named to the faculty of Washington University Law School for the 1971-72 academic year.

Newburger graduated from Oberlin College in 1965 with an A.B. He received his J.D. from Case Western Reserve University in 1969, graduating second in his class of 120. At Case, he was a member of the National Moot Court Competition team and the Order of Coif.

He was employed from 1969-71 with the Washington, D.C. law firm of Arnold & Porter. Presently, he is deputy director for policy planning for Ohio's Department of Commerce.

Newburger resides in Columbus, O. with his wife and one child.

Associate Dean Lewis Mills said the "new professor's academic interests were in commercial law.

## ABA offers \$2000 prize

Chicago - The Henry C. Morris International Law Essay Contest is once again being conducted by the American Bar Association's Law Student Division in cooperation with the ABA Section of International and Comparative Law. The funds are provided for in the will of the late Henry C. Morris of the Chicago bar. The purpose of the contest is to create a greater interest in international law among law students.

A prize of \$2,000 will be presented to the winner for the most outstanding essay. Members of the ABA Section of International and Comparative Law will serve as judges and will select the best essay submitted. The winner will be announced during the Law Student Division's 1972 annual meeting in San Francisco. The award will not be made if the judges determine there are no worthy entries.

All members of the American Bar Association Law Student Division, including June 1972 graduates, are eligible to com-

pete except for members of the Law Student Division Board of Governors and employees of the American Bar Association and American Bar Foundation.

Law student members of the ABA considering entering the contest should write immediately to: 1972 Henry C. Morris International Law Essay Contest, Law Student Division, American Bar Association, 1155 East 60th Street, Chicago, Illinois 60637, to request an entry form. This entry form will contain a contest number to be placed on the essay so that the contestant's identity will not be known to the judges. An entry form must be completed and returned to the Law Student Division with the essay.

The subject theme for the 1972 contest is "Possible Solutions to the 200-Mile Territorial Limit" Essays must be written on the subject theme. The essays must be submitted to quadruplicate [xeroxed copies are acceptable], shall not exceed 3,000 words in length [exclusive of footnotes] and be typed

double spaced. The contestant's name will not appear on any copy of his submitted essay. The contestant shall place his assigned number on the upper right hand corner of each page of his essay. Essays to be considered for the cash award must be submitted to the 1972 Henry C. Morris International Law Essay Contest at the above address, postmarked on or before June 1, 1972. In the event of a tie for the top essay, the two winning essays will share the \$2,000 prize equally. The 1971 contest had the subject theme "International Legal Solutions to the Middle Eastern Crisis". There was a tie and the two winners received \$1,000 each. The 1971 winners were Mr. Howard I. Golden from the University of Wisconsin School of Law, class of '72, and Mr. Jeffrey H. Joseph of the University of Baltimore School of Law, class of '73.

The winning essays will appear in a future issue of the *International Lawyer*, the quarterly publication of the Section of International and Comparative Law.

## PALS - for patients who need a friend

The recently formed Patient Advocacy Legal Service (PALS) will be centered at Washington University Law School. Max George Margulis, a 1969 graduate of the Law School, is the director, and Professor Jules Gerard is faculty adviser.

PALS will serve as a clearinghouse for information on mental commitment. The organization is presently engaged in a research project to collect briefs, cases, articles, and other materials which deal with this area and related areas. Eventually, PALS will function much like a data bank. It is expected that attorneys throughout the country will be able to refer to the center for whatever materials they might need.

PALS will also be the center of a nationwide network of local PALS offices. When the local offices are firmly established, the center will operate as a referral service for patients seeking legal representation.

The chief function, however, will be the publicizing of cases which come to the center's attention and the dissemination of information on the abuses which occur. Margulis stated, "The general public is shockingly ignorant of mental illness and the commitment process." He believes education of the public might lead to the development of more desirable alternatives for treatment such as community health centers and out-patient care.

The current process of "total commitment," when not carried out in compliance with due process standards, deprives patients of their constitutional rights under the guise of treatment. In any case, "total commitment" should be the last resort, according to Margulis. PALS is founded on the belief that safeguarding constitutional rights and insuring necessary

treatment are not incompatible objectives.

PALS contends that certain rights should be guaranteed in the area of mental commitment: right to legal representation, right to cross-examine witnesses, right to examine hospital records, right to independent psychiatric evaluation, right to a full hearing, right to periodic re-evaluation of mental status, right to adequate treatment, right to adequate staff, right to be present at the commitment hearing, right to have the doctor present at the hearing, right to have the hearing transcribed in order to facilitate appeal, placing the burden of proof on the party bringing the action for commitment, freedom from stigmatization when seeking employment, licenses, and insurance.

PALS also plans to form a network of concerned doctors, and Dr. Thomas Szasz has expressed interest in helping the center in this area. In addition, the center plans to draft a model statute dealing with commitment.

In order for PALS to function, funding will be necessary, and the center is actively soliciting funds from various institutions. Nevertheless, contributions from interested individuals are welcome. Students who are interested in helping with research should contact Max Margulis or Professor Gerard.

## Hilpert undergoes surgery

Professor Elmer Hilpert underwent surgery Monday, March 20 for the removal of a malignancy in the prostate at Barnes Hospital in St. Louis.

He was discharged from the hospital later in the week and will receive radiation treatments until the success of the operation can be determined.

Hilpert was forced to leave his teaching duties in Labor Law because of the illness. Professor Neil Bernstein has taken over his class for the rest of the semester.

## PERSONALS

Dear Donos,

All is forgiven. Please come back.

Red





## Symposium, Alumni dinner mark ceremonies

# Warren dedicates Mudd Hall



## Chief Justice assails abridgment of civil rights.

Ceremonies dedicating the new Seeley G. Mudd Law Building were highlighted by Earl Warren's address focusing on the Bill of Rights.

Recalling his last visit to the

campus in 1955, Warren noted that it was "in the heyday of the late Senator Joseph McCarthy, whose demagoguery made a mockery of the Bill of Rights, to the extent of causing a substan-

tial segment of Americans to question the wisdom of preserving them."

Warren charged that the attack is continuing despite the wearing off of the McCarthy hysteria and the subsequent expansion of civil rights.

"The right of the press to publish is being attacked. The rights of association and of dissent are being questioned. Detention without a warrant is being advocated. The right of privacy in the home and in communications is being disregarded. The right against self-incrimination is being restricted. And the words due process of law and 'equal protection of the law' for millions of minority citizens are in jeopardy."

The former chief justice said he was certain that those who advocate abridgment do so in the honest belief that the protection and security of society would be furthered. He asserted, however, that those who take this position have a basic misunderstanding of life in America and have never been denied any of the rights in

question.

Turning to the role of the new law school and the new law student in this context, Warren said that the knowledge of how these rights came into being is

of young lawyers to become prosperous through the use of their legal skills."

In concluding, he reaffirmed his faith in youth: "I have the

**"I have the faith to believe youth will raise the standard of justice to a height not yet achieved." - Earl Warren, April 21, 1972**

essential in order to appreciate and preserve them.

"The new school of law should become a temple of justice," Warren declared. The great number of students seeking a legal education is, according to him, "evidence that they are searching for something of underlying value; that something is justice."

Warren implored young lawyers to pursue "good causes" which could yield deep personal satisfaction. He added that he "is sure Seeley G. Mudd intended more than for generations

faith to believe youth will raise the standard of justice to a height not yet achieved."

So, in dedicating this building, I am sure we can with confidence look forward to many generations of lawyers who will honor it by learning here the basic principles of justice and using them to fulfill the purpose of our system - by making more meaningful the motto emblazoned across the entrance to the Supreme Court of the United States, 'Equal Justice Under Law.'





## Editorials

### Corrections ?

When a newspaper reports a story inaccurately, it prints a correction to set the record straight. Our coverage of a meeting between officers of the Student Bar Association and the faculty Rules Committee last month engendered a great deal of controversy and some charges of inaccuracy.

In an effort to seek out the truth, we contacted all three of the professors involved. Two failed to respond to our invitation to present their "side" of the story. The third, Dean of Admissions, Gary Boren, declined to submit a written statement but said he felt the story failed to emphasize the fact that the Rules Committee was not meeting with the SBA as the Rules Committee. It was an informal meeting.

The SBA felt compelled to "disassociate" itself from the Advocate's story. We asked them to explain the story's inaccuracies. The first response was that the officers did not know they were being quoted when they made their remarks. When it was pointed out that this would make the quotes no less accurate, they said Professor Bernstein was misquoted in his famous "bullshit" remark. The remark they claim was not his opinion of the SBA proposals, as the story indicated. It was, rather, a response to the statement, "These proposals are really quite conservative".

We apologize for this significant misrepresentation of the facts. Still, we feel the story was an accurate representation of what occurred. If it embarrassed anybody, which we think was really the source of the furor over the story, we're sorry. But if you're ashamed of having your statements heard, don't make them in the first place.

### Parting Shots

I never met a faculty member I didn't like.

And that, when it comes to reforming the Law School's policies and procedures, is a problem.

Our school is basically still a small one. The professors are generally quite accessible to students, and they are "nice guys" - helpful, honest and interesting. All that is laudable.

But how can one tell a nice guy that changes must be made? How can one say that academic freedom must be shared by faculty and students alike if it is to be truly free?

In my one year as editor-in-chief of the Advocate, basically no changes have occurred. The student is still powerless and unfulfilled. Lamentably, I must predict the same situation awaits my successor. Nothing will be done by the faculty of this law school to allow students a responsible role in the decision-making process.

Nice guys though they are, they share a narrow view of the student-teacher relationship. That process, as they see it, is one of give and take. The faculty gives; the students take.

Each professor is vested with absolute discretion to run a course "his way". Each student, consequently, is vested with arbitrary rules, the Socratic method, and, sometimes, dull textbooks.

In the outside world, discretion is viewed with caution. The courts watch the police; the voters watch the legislators. Who watches the faculty?

The faculty.

The students may watch, but only from the sidelines. They are spectators, needed to pay the ticket price, but never to play.

During the past year, when the faculty blocked Black student demands or punted Student Bar Association proposals, the student spectators have, for the most part, watched quietly. No boos for the faculty; no support for those few students who have sought positive reform. First-year students have shown little interest in anything but books. Second-year students have grown even more lethargic than last year. Third-year students don't give a damn.

There have been this year a few notable exceptions to the general rule of student apathy. The Black Law Students Association created a furor last summer. In doing so, it made the faculty acutely aware of the needs and aspirations of its members. Unfortunately, this organization became invisible in October. Hopefully, next year B.L.S.A. will make a sustained effort to attain its objectives.

The officers of January Inn showed some concern about student problems but gave up in the face of overwhelming apathy. Their successors in the Student Bar Association have shown commendable initiative in seeking changes in school policies, but the S.B.A. is suffocating from lack of student support.

The Weekly Tort and the Advocate have been other voices in the wilderness of apathy.

While one may not agree with everything, or anything, that these organizations have tried to do this year, at least they have tried to generate student concern over law school policies in their respective areas of interest. They have all failed in that goal, this year as last, and probably as next.

The faculty must view student apathy with a certain measure of concern. While faculty decisions are free from effective student influence, the professors cannot help but realize that ostriches do not make good lawyers.

The faculty could do something about this situation. It could avoid tabling and "referring to committee" S.B.A. proposals for classroom reform and other student motions which deserve immediate attention. It could give direct, honest answers to questions about clinical education programs. It could allow student attendance at its regular meetings. It could expand its concept of academic freedom to include students so that they too could be treated like adults.

All of these things, and more, the faculty could do. Students also could do much by participating instead of spectating. But, so far, neither group has done these things. One can only hope that soon, maybe next year, they will.

## Law school - the tiger's mouth

(Editor's note: The following article is reprinted from the Verdict, student newspaper at Holland Law Center, University of Florida.)

A Chinese sage observed of harsh Oriental legal systems "to enter a court of justice is to enter a tiger's mouth." Fortunately, our system of justice cannot be compared with that of the ancient Chinese but, regrettably, our system of legal education can.

In her valedictory address recently, a young graduate chilled the audience when she made it clear that she was "not alone in feeling this way", that "almost all of us come to regard law school only as an ordeal - something to be survived so that one can get on to more important things." One editor-in-chief of the law review at the University of California described how he had come to law school with an image of the lawyer as a social force, only to find that, in the second and third years of study, "the school taught us to think less of social horizons, but more of bread and butter."

Another lawyer expressed a feeling that not one lawyer with whom he had attended school felt his legal education had adequately prepared him for the practice of law. "Graduates are suddenly becoming aware of the unforgivable irrelevance of their legal education to what was happening in their heads, in the courtroom, and in the streets of the cities where they would practice."

"Edgar Fienlender has made a persuasive case for the position that what appears as mere cultural lag in adults responding to a new social and political maturity in the young is rather 'the expression of what has become genuine class conflict between dominant and exploitive older generations, and the youth who are slowly becoming aware of what is happening to them.'"

The discontented law students (which includes both the academically best and worst in each class) in this school and others are not only a direct challenge to the viability of our educational institutions, but a frontal attack upon certain

longcherished humanistic values.

It has been expressed that "our institutions are geared to another century (Langsdale introduced the case method of instruction in 1870 - no new, bold innovation has occurred since that time), for another set of social necessities, and now cannot change quickly enough to contain, receive, and direct our youth, and as we suppress or refuse them, they (we) turn to rage."

Over the past two decades there have been volumes of literature on law school reform concerning curriculum methodology, classroom psychology, and the casebook method. Yet, there has been no genuine response. Too often history began only the day before yesterday and may end tomorrow. We must move quickly while there is yet time thus there is no time to reflect on history and change.

In 1930 Roscoe Pound, one of the few great legal philosophers of this century, anticipated what was eventually to come. He advised, "everywhere the conviction is growing that our classical jurists were not wholly wrong that to understand law, to administer justice according to law, and to make law, we must admit some element beyond and behind the mass of authoritative legal precepts and the received techniques of developing and applying them."

It has been said "there is very little known about what actually produced either professional success or academic excellence." Both encompass a large number of experiments. Because of the large variances in what may make a good school and good graduates, the argument that a change may produce a debasement of the education offered reflects shallow observations.

### IM Moot Court OK'd by faculty

The faculty has approved unanimously the establishment of the Wiley Rutledge Moot Court Program. Developed by faculty and student parallel committees, the intramural program will be conducted by students. Members of the faculty committee are Professors Meyer, Becker, and Haworth. The student committee consists of William Berry, Allan Winston, and Stephen Banton.

Two competitions will be held each year - one in the fall and one in the spring. The law school will finance the program and furnish the trophies and cash prizes.

Prospective seniors are now organizing the fall competition, and during the summer they will draft problems and set up schedules. Plans include bringing various legal practitioners to the law school to explain the "nuts and bolts" of going before an appellate bench and preparing an appellate brief. It is hoped the finals of each contest can be conducted before the Missouri Supreme Court, the Illinois Supreme Court, or the Eighth United States Circuit Court of Appeals.

An ad hoc board is currently being formed to administer the program for next year. In the future, an executive board will be selected from those who participate in the intramural contests.

Any students who want more information about Moot Court and the new program should contact Al Winston or Stephen

### Delta Theta Phi

Numerous topics were covered in the final fraternity business meeting. The members voted to retain local dues at thirteen dollars a semester. In addition, two committees that will work over summer vacation were appointed by Dean Rich Doerr. The members of the rush committee are: Joe Derque, Don Haynes, Mason Klippel, Alice Dramer, and Mike Walker. Members of the orientation committee are: Ed Holmes, Jim Hux, Gary Planck, and John Vogel.

At the Founders' Day Dinner, Rich Doerr presented a brief review of this year's student senate activities and the proposed summer job to the members of the alumni senate. The speech, which described the practicality seminars and the "footsteps" program, was well received because the alumni realize the need for law fraternities to bridge the gap from law school theory to the realities of everyday practice. There was considerable interest in the summer job program, and all of

the alumni that participated in Footsteps and Practicality Seminars this year plus additional alumni have pledged to participate next year.

The City Prosecutor of Kirkwood, Robert L. Inman, presented the final Practicality Seminar on municipal courts. The major topics in the presentation were: (1) the necessity of being competent in municipal court for regular clients, (2) the importance of proper procedural detail in a criminal prosecution, (3) grounds for acquittal in radar arrests, (4) grounds for acquittal based on breathalyzer tests for drunk driving.

Twenty members of the fraternity received some clinical education in labor-management relations when the baseball strike forced cancellation of opening day. However, Don Haynes had no trouble finding members for refunds.

The graduating seniors are: Al Hux, Gary Kramer, Terry Mueller, Max Rutger, Thomas Story, Denis Taylor, Barry Umansky, and Douglas White.

### Phi Delta Phi

Missouri Attorney General John Danforth was the guest speaker at the April meeting of Phi Delta Phi Legal Fraternity. Instead of speaking from a prepared text, the Attorney General answered questions from the members. Mr. Danforth was particularly critical of appropriations of the Missouri legislature, citing studies that reveal the low national ranking of Missouri appropriations for probation, welfare, and law enforcement.

A number of Phi Delta Phi alumni attended the dinner,

along with the new Phi Delta Phi District Representative John Port and guests Dean Hiram Lesar and Professor Frederick Beutel. Dean Lesar was made an honorary member of the Fraternity. Also, past Phi Delta Phi President Tom Zotos was given an award for service to the Fraternity.

For the summer months, Phi Delta Phi intends to have a summer party. In cooperation with Delta Theta Phi and the Student Bar Association, Phi Delta Phi will also plan some of the freshman orientation program this fall.

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# Faculty delays action on SBA's proposals

The faculty has referred the Student Bar Association classroom procedure proposals to the faculty's Student Relations Committee.

These proposals are the same ones discussed by the SBA and the faculty Rules Committee in an informal meeting earlier this month.

Dave Whitman, SBA president, expressed his displeasure with the faculty's action. He explained that each faculty member had received a copy of the SBA proposals two weeks before the April 19 faculty meeting. Included with the proposals was a specific request that the faculty make a formal reply to the proposals at its meeting.

Whitman added that he had

spoken to Dean Hiram Lesar in mid-March to determine the appropriate faculty committee to receive the SBA proposals for preliminary study. According to Whitman, Lesar suggested that the Rules Committee, comprised of Professors Boren, Bernstein and Johnston, was the appropriate group. Then at the recent faculty meeting, the proposals, which had been informally discussed by the Rules Committee, were referred to the Student Relations Committee, of Lesar, Mills and Professor Greenfield.

Whitman said he was given no explanation of why the faculty did not act upon the SBA proposals or why the Student Relations Committee was selected to study them.

Mills said the faculty spent most of its time at the April 19th meeting dealing with curriculum. He explained there was no time to consider the SBA proposals at the meeting. He said the Student Relations Committee was selected to study the proposals because it had handled similar proposals from January Inn last year.

Mills admitted that there was no deadline by which the committee must submit its report of the SBA proposals. He explained that no regular faculty meetings are planned for the rest of this year, but he hopes that the committee might be able to submit its report for formal faculty action by its last official meeting in late May when degrees are awarded.

# Honor code faces revision in fall

by Randy Lowe

The Law School presently operates under an Honor Code, but too few students know what it is and how it may effect them. Even fewer know that an effort is now being made to rewrite the Honor Code, greatly expanding its jurisdiction over student conduct.

The Honor Code as originally formulated was operated under the auspices of the late January Inn by a subsidiary organization known as the Honor Council. As described by the Law School Bulletin.

"The Honor Code, administered by the Honor Council of January Inn, is an integral part of the regulations of the School. The essence of the Code is the observance by each student of a high standard of conduct. A code of honor cannot be imposed. The Honor Code exists because it is accepted by each member of the School."

The Honor Council was divorced from January Inn prior to the latter's demise and is now an independently functioning body. But during the history of the Code and its regulator, the Council, only a handful of cases have come within its jurisdiction. In light of the fact that many violations go unreported, the effectiveness of the Code and the Council has come into question.

Phil Shelton, presently a member of the Council, when confronted with this inquiry in a recent interview said, "The Council gets blamed for a lot of things we're not guilty of. We're not the police - we're the judiciary. Every student who agrees to abide by the Honor Code is a policeman. Members of the Honor Council have no greater obligation in this regard than any other student."

Recently, the Honor Council met with Student Bar Association officers concerning a proposal to re-write the Code to include within the Council's jurisdiction infractions by members of the faculty. Professor Gary Boren, Dean of Ad-

missions, when asked about this proposal stated that there are already procedures for aggrieved students to petition the faculty en banc but added realistically that objectivity in this area may be difficult to come by.

Subsequent to the meeting with the SBA, the Honor Council has assumed the task of re-writing the Code. Jim Mendillo, also a member of the Council felt, "The Honor Code needs to be revised. Not only is it deficient in not insuring adequate procedural safeguards, but it also fails to make clear what types of conduct it governs".

Shelton added, "The present Code is unworkable and not fit for the purpose it was intended to serve. Only a handful of 'dishonorable' acts are proscribed by it. An honor code should be modeled after a code of ethics - not a state's traffic laws".

Some students fear the absence of an Honor Code or the presence of an ineffective Code may induce the faculty to impose tighter restrictions upon the student body. Citing the library as an example, Mendillo stated, "The increased library problems require that the students formulate immediately a workable process for dealing with such problems. The alternative is to allow the Honor Code to continue being non-functional, which may result in many of our library privileges being severely restricted."

Although it is not certain what form the new Code will take it is certain that greater procedural and substantive due process safeguards will be included. Shelton, reporting on the progress of the re-writing felt pleased with the new Code as it is developing and further added, "Although I'm sure it will be a controversial document, at least some important questions will be confronted. This student body really needs to consider whether it wants an Honor Code at all and why".

There are still many problems under the old Code that must be worked out such as jurisdiction, types of conduct and offenses, procedures, and the question of confidentiality.

The Honor Council has devoted most of its time this past semester to the preparation and drafting of a more effective Code, which it hopes to have completed by early fall.

Upon completion the Code will be submitted to the student government which will hold open hearings in order to more fully adapt the code provisions to the ideas and suggestions of the student body as a whole. It is strongly urged by the members of the Council that the students demonstrate their opposition to or support for the proposed draft when it is presented for hearing.

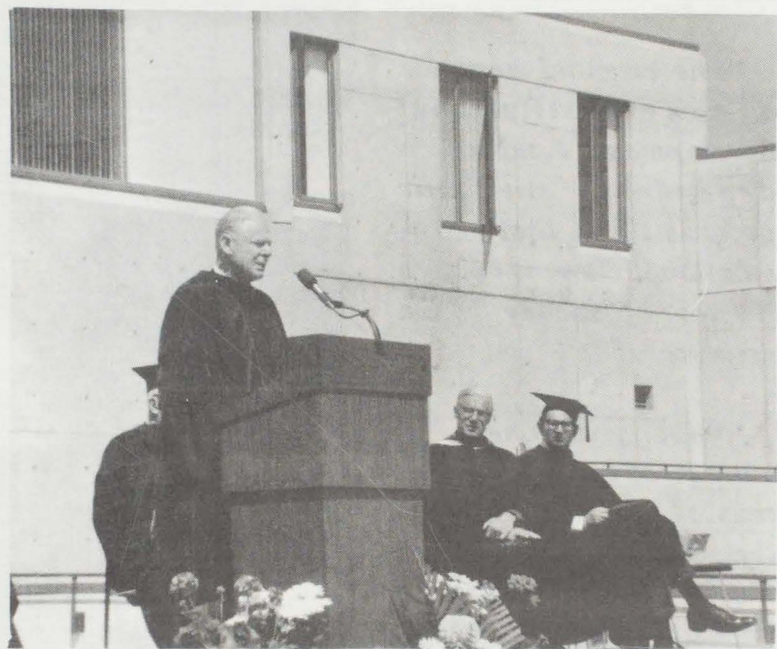
One member of the Honor Council said, "I feel I speak for the entire Council when I state that it is extremely important that we have student support in the guiding and shaping of this document so that we as students can have our rights adequately protected."

Sufficient notice will be given prior to the dates of the hearings in order to allow students to adequately prepare arguments for their respective positions.

## Placement Results

The Placement Office has announced that thirty seniors of that class's seventy potential graduates have found full-time jobs upon graduation through the newly-established Placement Office.

While the figures may seem depressingly low, Placement explained that twenty of the seventy seniors have not been in contact with that office. Many of them may have jobs. Of the remaining fifty seniors, only eighteen are known to be without job offers. Two seniors plan to do graduate work.



Dean Lesar accepts Mudd Hall

**"So, in dedicating this building, I am sure we can with confidence look forward to many generations of lawyers who will honor it by learning here the basic principles of justice and using them to fulfill the purpose of our system - by making more meaningful the motto emblazoned across the entrance to the Supreme Court of the United States, 'Equal Justice under Law.' " - Earl Warren, Apr. 21, 1972.**



## Annual, Quarterly select editors

The Urban Law Annual and the Law Quarterly have selected their editorial staffs for next year.

Quarterly editors are: David W. Detjen (Editor-in-Chief), William Von Glahn (Managing Editor), Charles A. Newman (Articles Editor), John W. Showalter (Special Project, Editor), Joseph R. Meives and Hollye E. Stolz (Comment Editors), Michael P. Millikin and Richard O. Wuerth (Note Editors).

Annual editors are: Dana C. Contratto (Editor-in-Chief) Jack A. Ginsberg and Janice P. Corr (Managing Editors), Patricia C. Armstrong and Michael J. Doster (Articles Editors), Jay G. Newquist (Note Editor), Edwin H. Benn (Comment Editor) Richard C. Kraege and Dale E. Markworth (Assistant Comment Editors).

## Military Law project wins case

The Military Law Project has won its first victory in the U.A. Circuit Court of Appeals for the Eighth Circuit. In *Kemp v. Bradley*, the Court reversed the District Court (W.D. Mo.) and ordered a writ of habeas corpus to issue.

Gregory Kemp became a conscientious objector after receiving orders to Viet Nam. When the Army refused to process his application for discharge, he went to court for a writ of mandamus. The Army began processing his application, but with a somewhat jaundiced eye. He was turned down by the Army C.O. Review Board and lost in District Court as well. The Army Review Board held that Kemp did not have the requisite "depth of conviction" to qualify as a C.O.

The main issue on appeal was the Army's use of the standard "depth of conviction" rather than the Supreme Court standard of "sincerity" (*Seeger*,

*Welsh, Clay...*). The Government maintained that the two standards were interchangeable. We disagreed. We argued that under the "depth of conviction" standard an applicant could be found religiously (as that word has been defined by the Supreme Court) opposed to all wars and sincere in these beliefs (thus qualifying as a C.O.) but be found lacking the necessary "depth" according to the Army. The Court agreed, saying, "Even beliefs which may seem shallow in a theological context, if sincerely held, can qualify a registrant as a conscientious objector."

The decision was 2-1 and the opinion was written by Bright, C.J. The Attorney was Frank Ruppert, and Toby Hollander wrote the brief for the Military Law Project.

The Military Law Project has one case remaining in U.S. District Court and is preparing two others, one a class action.

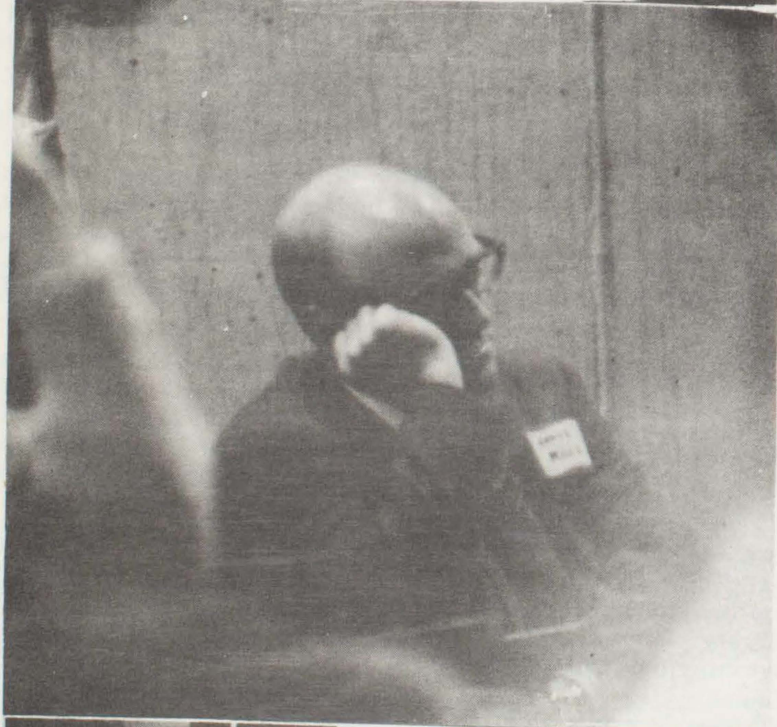
## Faculty Changes

Changes in faculty for next year include the resignation of Kendall Meyer and the hiring of Marilyn Ireland, the first non-library female professor at Washington University Law School.

Meyer, a native of Iowa, has accepted a faculty position at the University of Iowa Law School. In his two years at Washington University, he taught Civil Procedure, Evidence, and Federal Jurisdiction.

Ireland, 29, graduated from Miami of Ohio with a B.A. in 1966. She received her J.D. from the University of Chicago in 1969. She graduated from law school with honors and was a member of Law Review and the Order of the Coif. She has been admitted to the Illinois bar in both state and federal courts and is presently employed with a Chicago law firm in general corporation law. Ireland is married and has two children.





### Kenneth Karst

*"White America will not be taken seriously, when we urge our minority communities to work within the existing system for peaceful change, unless such an orderly course is genuinely open to them."*

*"A system that provides one law at Rome and another at Athens need not be respected as a higher law. The more we accept the idea of two constitutions, the more we risk having no constitution at all."*

### Philip Kurland

*"The essential need for a new constitutional development, I submit, is dependent on the proposition that constitutional law is not a creator of society but a creature of it."*

*"With government in control of so many essentials of our life, where in the Constitution can we turn for haven against the impositions of 1984?"*

### Robert Carter

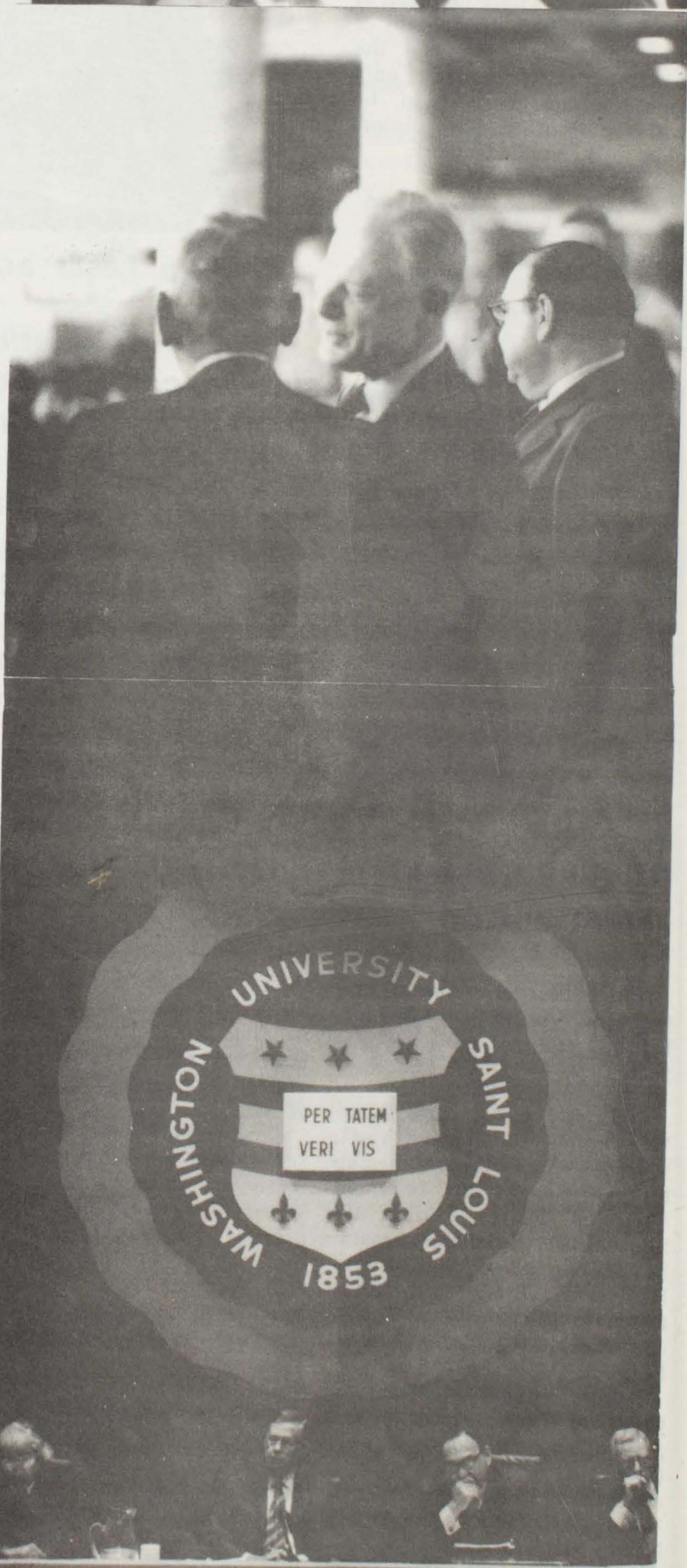
*"Today all is confusion. While the pervasiveness of racism is, of course, a fault, the professional educator must bear a large share of responsibility for the public confusion, misinformation and emotionalism centered around the issue of busing."*

*"...integration without busing is impossible to achieve in urban America. Perhaps what we are seeing is another indicia of America's dilemma in the racial field."*

### John Frank

*"There is no escaping the fact that the counter revolution ending Reconstruction did wipe out the anticipated scope of all three of the Civil War Amendments."*

*"...equal protection deserves measure as more than a rule of law, for it represents a part of a symbol, the symbol of*





# One hundred years of the Fourteenth Amendment: implications for the future

## Kenneth Karst - "Not one law in Rome..."

by Ken Brown

The Supreme Court, according to Kenneth L. Karst, has always vigorously applied the protections of the 14th Amendment to the South, the birthplace of racial inequality and segregation. "Our generation's task is to extend national rights from the South to the rest of the nation."

Karst was the first speaker at the Law School's symposium, "One Hundred years of the Fourteenth Amendment: Implications for the Future." The symposium, consisting of four famous scholar-lecturers and two commentators, was held Friday, April 21 in the Mudd Hall courtroom.

Karst's paper was entitled, "Not One Law at Rome and Another in Athens: the Four-

teenth Amendment in Nationwide Application". He began by noting that the framers of the 14th Amendment originally conceived of it as a means of extending to the South "a system of liberties and equality under the law that already existed elsewhere in the nation".

"The South was the obvious place to start in the constitutional assault on racial inequality. As a result of this geographic priority, we have arrived at a position that would astound the framers of the 14th Amendment: in some significant ways, the disestablishment of racial discrimination has progressed further in the South than in the urban North and West."

Recent Supreme Court decisions, Karst feels, "are sobering reminders that the con-

struction of nationwide constitutional protections of racial equality is not yet completed". He pointed to school desegregation cases involving Southern school districts. Chief Justice Burger said in a recent opinion there was a presumption against the continuation of schools that are composed of students of all the same race "in a system with a history of segregation".

Karst summarized the effect of this holding. "The adoption today of a school assignment plan that was 'racially neutral' on its face would not be sufficient to counteract the effects of the school board's past racial discrimination."

Desegregation is now judged by its reasonableness in achieving "the greatest possible degree of actual desegregation".

But will such a standard be applied to school desegregation plans outside the South? Karst referred to a case from Denver, Colorado pending before the Supreme Court which will decide that question. Lower courts have failed to grant the plaintiff-parents relief because they have failed to show that the school board involved acted in bad faith. But in deciding Southern desegregation cases, Karst said, "The Supreme Court's test of reasonableness focused on the effects of the school boards' actions, not on their motives."

"Does the Denver case mean that we have a different rule outside the south? The court of

appeals faced that question head on, and answered, Yes."

"The asserted distinction rests on a factual error to the extent that it assumes that the motives of northern and western officials are significantly more benign than those of their southern counterparts."

"Inquiring into the purity of heart of the members of the school board is a corrosive business that can only do harm to the community. Even with the best of faith on all sides, the painful problem of school desegregation can never be solved once and for all in a society that is undergoing continuous change."

Finally a distinction which makes northern plaintiffs prove a school board's illicit motive, but which assumes a southern board's bad faith, deserves rejection because it mocks the ideal of a national Constitution. It places the courts in the indefensible position of telling northern Blacks that they are entitled to a lesser degree of judicial vigilance on behalf of their constitutional rights, and at the same time telling southern whites that they have been consigned to a moral limbo reserved for them alone.

It is only rarely the case that to state a proposition is to refute it, but this is one of those cases."

Karst also spoke of the problems of racial discrimination in legislative districting. He focused on two recent Supreme Court cases, one

from Mississippi, one from Indiana. In both, the plaintiffs alleged that Black voters were "submerged in a big district dominated by whites, depriving them of the legislative representation" they were entitled to.

Though both cases involved similar patterns of districting, the Indiana plan was upheld, the Mississippi one reversed.

"In the South, then," Karst reasoned, "a (legislative) district is suspect and presumptively invalid, while elsewhere in the country a district is presumed valid even though it restricts the number of representatives elected by residents of a racial ghetto." In deciding the Indiana case, Karst said, the Supreme Court found that the plaintiffs had failed to prove a racial motive behind the districting plan. No inquiry into the presence of such motive was made in the Mississippi case, he said.

Karst was optimistic that the Court might abandon this contradiction in the near future. "I am willing to guess that the Court will achieve that result through finding racial motives largely on the basis of evidence of racially discriminatory effects...If the Court fails to recognize the justice of claims like those pressed in the Indiana case, then it will be making a mistake that is truly grievous. White America will not be taken seriously, when we urge our minority communities to work

(cont. on P.6)

## Philip Kurland - "It's Hour come round at last"

by Mike Doster

The second speaker at the morning session was Philip B. Kurland, Professor of Law, University of Chicago. He presented a paper entitled "The Privileges Or Immunities Clause: 'Its Hour Come Round At Last?'"

While admitting that "prognostication is the least justifiable and most hazardous activities for a law professor," Kurland predicted that "at the next noteworthy anniversary at the Fourteenth Amendment, it will be the Privileges or Immunities clause...that will be the center of attention."

Kurland noted that the paucity of legislative history and the typical elasticity of constitutional language enabled the Privileges or Immunities to take "the form of a blank check." However, Kurland pointed out that it turned out to be "a blank check drawn on an account without funds."

Kurland added that judicial history provides no clue to the meaning of this clause either. "The Slaughterhouse Cases, 16 Wall. 36 (1873), which provided both a beginning and an end," he said.

According to Kurland, "we may safely say that it is one of the privileges of every American citizen to adopt and follow such lawful industrial pursuit - not injurious to the community - as he may see fit."

He emphasized that "there is no more sacred right of citizenship than the right to pursue unmolested, a lawful employment in a lawful manner."

"Although the clause is seldom invoked, Kurland cited frequent 'acknowledgments of its authority.' In *Twining v. New Jersey*, 211 U.S. 78(1908), for example, the court listed the following rights of national citizenship encompassed by the clause:

the right of passage from state to state; the right to petition Congress to redress grievances; the right to vote for national officers; the right to enter public lands; the right to be protected against violence

while in the custody of the government; the right to inform the United States about violations of its laws.

Kurland stated that a number of other rights have, from time to time, been attributed to the clause.

A possible explanation of the quiescence of the clause lies in the success of other constitutional provisions, according to Kurland. He noted that the due process and equal protection clauses had borne much of the weight of constitutional litigation.

"Perhaps the only certain content of the Privileges or Immunities of national citizenship," said Kurland, "is what has come to be known as the right to travel, between states and within them." He indicated that "a big step...was taken in *Shapiro v. Thompson*, 394 U.S. 618 (1969), where the court created a derivative right on the basis of the right to travel." In that case, the Court said that a

(cont. on P.6)

## Robert Carter - "Equal educational opportunity"

The second paper of the afternoon was presented by Robert L. Carter, past general counsel for the NAACP. Mr. Carter argued the case of *Brown vs. Board of Education*, and is eminently qualified for his paper on "An Evaluation of Past and Current Legal Approaches to Vindication of the Fourteenth Amendments Guaranteeing Equal Educational Opportunity."

Mr. Carter was very concerned with the crisis that presently confronts the nation - the school bussing issue. He feels that "for the first time since Reconstruction, the Nation stands at a point where we may take a giant step backwards with regard to race relations."

According to Mr. Carter, there is a Constitutional mandate to supply "equal educational opportunities" to all Americans - "this is what the 14th amendment promises the black child."

He faults the Supreme Court in not going far enough in fulfilling this mandate. Even in *Brown*, all the Supreme Court did was make the way clear for the black child, courageous enough to confront hostile whites, to attend integrated schooling. The Court place the vindication on the black child and the parent. But Carter believes that these are public duties which the public should meet.

Mr. Carter appears to believe that only through integrated schooling can the mandate for equal educational opportunity be fulfilled. And if there must be a mix of blacks and whites to attain equal educational opportunity, then we are compelled to bring this about by every reasonable means. Another means he mentioned was com-

(cont. on P.6)

## John Frank - "Equal Protection of laws"

by Dean Vance

The first speaker in the afternoon session was John P. Frank, a partner in the firm of Lewis and Roca in Phoenix, Arizona. Mr. Frank's paper was titled "The Original Understanding of Equal Protection of the Laws" and dealt with the history and subsequent treatment of the Fourteenth Amendment.

Mr. Frank pointed to the Equal Protection Clause of the

Fourteenth Amendment as the most dynamic portion of the Constitution - "The Constitutional equivalent of the Atomic bomb." Under the leadership of Earl Warren, whom Mr. Frank regards as the greatest living American, vast changes in race relations and voting rights have resulted through its use.

But the major portions of Mr. Frank's paper dealt with the history of the 13th, 14th, and 15th amendments rather than the present applications. As a means of comparison, Mr. Frank terms these three amendments as the charter for the "Second American Revolution." Mr. Frank compares this "Second American Revolution" with other revolutions - the Puritan Revolution in England, the American Revolution; the French Revolution - in that "events reshape the law rather than that the law controls the revolution." This Second American Revolution lasted 16 years, from the start of the Civil War until the end of the Reconstruction Era. At that point the three amendments were discarded in a counter revolution and did not re-emerge until recently.

As all good students of Constitutional law can attest, the intent of the framers of the three Civil War Amendments was entirely different from the present application or understanding of the Amendments. According to Mr. Frank, the most important section of the 14th Amendment was to be section 2. Section 1, which has evolved into the

presently most significant section, was almost an after thought at that time. Section 2 was to control the voting power of the Southern states and was contemplated as "a chief instrument of perpetual Republican power."

One point of controversy between moderator Herb Wechsler and John Frank concerned the state action concept of the 14th Amendment. According to Mr. Frank, the holding in the *Civil Rights Case* of 1883, that the 14th Amendment applies only to state action and not private action, has no basis in history. The clear weight of historical interpretation reveals that the 14th amendment was meant to cover private action as well as state action - that inaction of the states in protecting civil rights was equivalent to state action and subject to federal sanction.

The comments of moderator Francis Allen were particularly attuned to those students who have had Professor Swihart's Legal Process course. Mr. Allen asked, "Is this trip necessary?" that is, just what relevance does legislative history have in interpreting the Constitution? Mr. Frank answered by telling of his experiences in preparing an historical memorandum for litigation in *Brown vs. Board of Education*. Chief Justice Warren had requested information as to the original meaning of the Congress in adopting the Civil War Amendments. But in the final decision in *Brown*, Chief

(cont. on P.6)



## Alumni dedication dinner features Browning's talk, Shepley's award

An address by The Honorable James R. Browning highlighted an evening of speeches and awards at the Alumni Dedication Dinner Friday, April 21 at Stouffer's Riverfront.

More than 700 alumni, students and faculty attended the gala affair and saw Ethan A.H. Shepley, former Chancellor of Washington University, receive the first Distinguished Law Alumni Award for his outstanding service to the legal profession.

Browning began his informal talk by telling his large audience of the nature of his work as a judge for the Ninth Circuit Court of Appeals. "The court I sit on is the least significant in the federal system," Browning said. "The Supreme Court tells us what we can and cannot do, and the District Courts are closest to the lives of the people."

The Courts of Appeals do important work, Browning said, but they are "blessed with anonymity." "This is not a complaint," Browning stated. "To be given stimulating, useful work to do and then to be left alone to do it is a blessing."

The soft-spoken Montana native went on to recount some

of the history behind the creation of the Ninth Circuit. He described its inception as politically motivated by the stress of the Civil War. Westerners were less than confident of the North's ability to win the war, Browning said, and so the Circuit was created to strengthen the Federal government's position in that sparsely populated region.

Browning concluded his address with some remarks on the future of law students at Washington University and at law schools throughout the nation. The national law school population doubled from 1961 to 1970 Browning noted. In 1971, 75,000 applicants vied for 36,000 law school openings.

Browning attributed this trend to the "desire of young people to bring equal justice to all".

"They do not seek a legal education to achieve status or get rich but to do good. They seek to reshape a wide range of substantive values held by our society with which they disagree." He added that, to him, it is a hopeful sign that such changes are being sought by peaceful and orderly means which the law offers.

"I, for one," he concluded,

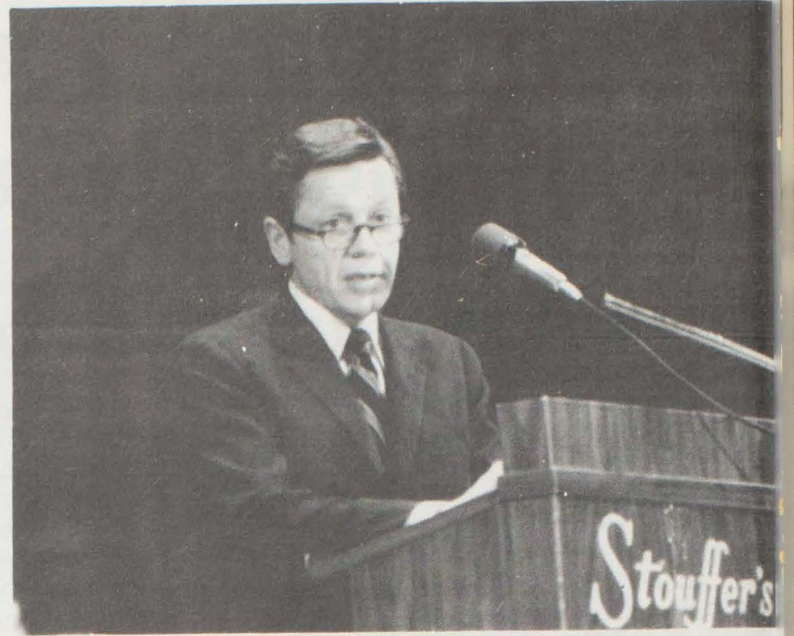
"believe that neither me nor they will regret their choice."

Ethan A.H. Shepley, who was Chancellor of Washington University from 1954 to 1961, in receiving the Distinguished Law Alumni Award was cited by Law Alumni Association president Michael Newmark for "the esteem and respect universally accorded him".

Shepley graduated from W.U. Law School in 1922 and since that time has been engaged in general practice in the St. Louis area. He is a member at numerous professional and community service organizations and was the Republican Party's candidate for governor of Missouri in 1964.

Certificates of appreciation were presented by Dean Hiram Lesar to Forrest M. Hemker and Lloyd Koening for their outstanding service to the Law School. Hemker, former president of the Missouri Bar Association, was honored for his 29 years of teaching Legal Profession at the Law School. Koening was cited for more than 20 years of lecturing in Patent Law.

A large number of seniors attended the dinner as guests of the Alumni Association. A dance and alumni reunion was held after the ceremonies.



Judge James R. Browning

## New courses to be offered next fall

The faculty tentatively approved the addition of new courses to next year's curriculum at its last regular meeting, April 19.

The faculty approved two sets of three courses each, all of which may be offered, depending upon the resources available in the fall. Those three courses given first priority for implementation are Agency and Partnership, Civil Rights and Criminal Justice Administration II. According to Associate Dean Lewis Mills, there is a "good likelihood that all three of these courses will be offered". Mills said Dean Hiram Lesar will determine how many new courses can be offered next year, taking into account the availability of teachers and money. If Lesar finds that fewer than three new courses can be offered, he will have the option to choose which courses should be offered from those three of the first priority.

Three other courses, deemed of secondary priority by the faculty are Trial Tactics, Advanced Procedure, and Products Liability. Their addition to the curriculum next year is dependent upon a greater availability of resources than is presently foreseen, according to Mills.

Mills said that one of the two courses to be offered at the Law

School's first summer session has been determined. The course will be Water Law taught by Mr. Sato, a professor from the University of California Law School, whom Mills identified as "an expert in his field".

**Carter**

(cont. from P.5)

plete realignment of school board zoning.

Mr. Carter cites three currently presently running through this area of law: the first current is that defacto segregation must be eliminated by any rational means; the second is that funding of schools must be radically revised from the old system of property taxes; and the third current is that community control of schools and accountability of school boards must be established.

Mr. Carter rejects the contention of some that integrated education based on equal access to funding will result in lower educational standards for some. Even if it does, he doesn't believe that this country can continue to pay the price of maintaining high standards for whites and excluding the minorities.

To Mr. Carter, the bussing issue brought to the forefront a fear of the unknown, a fear of change in the parents of black and white children. But Mr. Carter argues that the Supreme Court in Brown disregarded this fear of the parent because there was a Constitutional mandate to provide this equal educational opportunity. And he believes that we must again disregard this fear to achieve these higher goals.

The commentary of Mr. Allen following the paper expanded on Mr. Carter's feeling with regard to the present crisis in America. Mr. Allen pointed to the development of a new pluralism since WWII - a revival of ethnic consciousness and the rise of groups asserting that a reallocation of power is required. Mr. Allen fears that this new pluralism will result in polar perils. At one pole, there is the loss of a feeling of unity as a result of the rise of militant groups, while at the other pole this loss of unity grows more acute, leading to a temptation to resort to the State to impose a new unity. Mr. Carter rejected the theory that this new pluralism will result in a loss of unity, but he did fear that it may result in a period of repression -

## Urbanist pleads case for cities

by Mike Doster

According to Professor Frank P. Grad, Professor of Law, Columbia Law School, the cities are worth saving. Without the city, there would be no culture, and Grad suggested that the city is vital to the preservation of our nation and our civilization. The problem is how to save it, and Grad spoke on the topic to members of the Urban Law Annual at a dinner April 8.

Grad briefly traced the historical development of the city's problems, many of which, he contended, are imported and not inherent. He cited the immigration of unskilled labor as an example.

The ineffectiveness of urban strategies to date was attributed largely to the lack of an in-

tegrated national policy and legislative attitudes that reflect the traditional view that "everything good comes from the countryside."

Moreover, Grad questioned whether these strategies have been ineffective simply because of failure. It is more likely, he alleged, that there has been a gross lack of implementation. The proliferation of planning laws has not been accompanied by very much planning, according to Grad.

Grad believed that urban renewal is necessary to effectuate any urban strategy to save our cities. "Support for urban renewal," Grad added, "depends on how you define the community."

Grad pointed out that unemployment has an extremely adverse effect on the city because so much of the city's population consists of unskilled labor. Preferring inflation to unemployment, he rejected the concept of a "no-growth" economy. Grad explained, "We don't know how to manage such an economy."

Grad also contended that cities are too narrowly defined. "Suburbs live off of the inner city, but don't contribute to it," he claimed. "If the suburbs had the same problems, they would regard themselves as extensions of the city and would not be so reluctant to join with the cities to solve those problems."

Revenue sharing is a "blatant misnomer", according to Grad. Sharing has existed for years in

the form of categorical grants. "The real issue," he asserted, "is whether such grants should be block or conditional." He indicated that the resolution of this issue was a matter of how much one could trust the particular local government.

In any case, he believes that the grants should be used to induce a combination of existing governmental units. Citing the St. Louis metropolitan area as an example, Grad contended that such political decentralization was undesirable because it makes a coherent, integrated approach to our urban problems very difficult.

## MPAC offers summer jobs

The Missouri Public Action Council has merged with the Center for Student Action.

The new organization is offering full-time summer internships for late May through early September, 1972. Interested, dedicated, and qualified law students are invited to apply.

Areas of study include the Educational Testing Serv., Consumer legislation in Missouri, Occupational Health and Safety regulation and enforcement, Pollution agencies in Missouri, Public Utilities, local Parks and Recreation agencies, Hospital Care, Racial and Sexual discrimination in civil service employment, and other areas of interest to the student.

The investigations will function much like those conducted by "Nader's Raiders".

There is a \$500 stipend, and students who can qualify for federal work-study programs (see the financial aid office) may earn up to \$1,000.

A resume, including a statement of the project the student would like to work on and relevant qualifications should be submitted to: Mo PIRGF Summer Intern Program, c/o P.O. Box 8201, St. Louis, Mo. 63108. The deadline is May 5.

## Kurland

(cont. from P.5)

one-year residency requirement unconstitutional for welfare recipients since it inhibited the right to travel.

Kurland's prognosis rests on the needs that the clause may be able to meet. "More and more an individual has no choice but that which the government makes available to him," he said.

The judiciary is seen by Kurland as the body "that will be called upon, sooner or later, to define and protect the rights, privileges, and immunities of citizens in a highly organized service state." The Privileges and Immunities Clause, according to Kurland, is "an empty and unused vessel which affords the court the full opportunity to determine its contents without even the need for pouring out the precedents that already clog the Due Process and Equal Protection clauses." In short, he feels that the clause is an appropriate vehicle for limiting expanding legislative and executive discretion.

## Frank

(cont. from P.5)

Justice Warren completely ignored the historical data stating "we cannot turn the clock back to 1868 when the Amendment was adopted...We must consider public education in light of its full development and its present place in American life throughout the nation." According to Mr. Frank, this was the correct approach and the only approach that Warren could take.





"I liked the challenge"

## Lesar resigns to take new post

Hiram H. Lesar, Dean of Washington University School of Law for twelve and one-half years, resigned this past July to become the first dean of the new law school at Southern Illinois University in Carbondale, Illinois.

Dean Lesar will remain at Washington University until the first of the year at which time he will begin full-time work at his new post. Presently he is teaching the course in *Trusts and Estates* and is commuting several days a week to Carbondale where he is formulating plans for the new law school.

When asked about his feelings regarding his departure from Washington University, Dean Lesar replied that he "naturally had mixed emotions." He said he "regretted leaving the team" and that relocation would present problems, but he "liked the challenge presented by the SIU situation."

"I told them (the committee which selected him) that I would not come unless they wanted a first-class law school and unless they could provide the necessary financing. They met those conditions, and I accepted the challenge."

According to Dean Lesar, the prospects are good that the SIU law

school will open its doors to its first class in the Fall of 1973. Current plans call for the use of temporary quarters until a permanent facility can be built. The new facility will not be available for about four years.

"Washington University," he said, "is already a very good law school, and we are about where I hoped we would be when I became Dean twelve and one-half years ago." The Dean added that he thought the pace of progress at Washington University was appropriate, and he even foresees the institution of some clinical courses such as Trial Practice in the near future.

## Frosh arrive with high indexes

This year's freshman class has much higher qualifications than last year's, according to Gary I. Boren, Dean of Admissions. This first year class had a median undergraduate grade point average of 2.24 on a 3 point scale, a median LSAT of 603 and a median Dawson index of 1249. The class of 1974 had a median grade point average of 2.09, a median LSAT of 584, and a median index of 1189.

These figures are reflective of the increased competition among students for a career which has rapidly increased in popularity. They also show that the policy of the law school in waiting longer before making acceptances paid off with what must be the best credentials of any first year class in the history of the law school.

A total of 185 students have registered in the first year class. Of these, 38 are women, 9 are Blacks, 3 are Asian-Americans and 1 is an American Indian.

\*\*\*\*\*

**Tyrrell Williams Memorial  
Lecture To Be Held  
Sept. 20th at 3:00 p.m.**

## Annual, Quarterly solicit top 15 %

by Bill Berry

This year, on an experimental basis, the Urban Law Annual and the Law Quarterly selected candidates through a solicitation program. During this summer, each publication drafted a letter, approved by the editorial board of the other publication, and mailed it to the students in the top 15% of the second-year class. Besides introducing a student to the respective publications, each letter informed the student of his opportunity to choose between the two law reviews.

Prior to the implementation of this

experimental program, the Law Quarterly solicited from the top 15% of the second-year class, and the Urban Law Annual was limited to solicitation of those students in the next 10%.

Dana Contratto, Editor-in-Chief of the Annual, said that "the new program is the result of summer-long negotiations with the Quarterly and it signals the beginning of a new spirit of cooperation between the two publications."

David Detjen, Editor-in-Chief of the Quarterly, views the new program as "an experiment to see if we can establish some kind of relationship which will benefit both publications

and the law school in the future. It is an attempt to make the second-year students more aware that the school has two law reviews and that there is a choice available."

Law Quarterly took 24 students by grades, and the Urban Law Annual took 18.

In addition to selecting candidates by grades, both publications will again select some candidates through separate writing competitions. The Urban Law Annual has 25 students enrolled in its competition, and Law Quarterly enrolled 13.

## BA conducts meeting

by Tish Armstrong

The Student Bar Association (SBA) held a meeting for the student body on September 6th. Dave Whitman, SBA president, presided and introduced Acting Dean Lewis R. Mills. Dean Mills apologized for the lottery classes and said that the situation could be remedied by hiring more professors. However, the situation is not likely to prove next year since qualified professors are hesitant to come to Washington University without a permanent Dean, according to Dean Mills.

expressed hope that a new Dean would be appointed by July, 1973. Dean Mills also explained the senior selection process and said he is sorry if seniors got their tenth voice, but he was certain that they would still benefit from the experience. He added that it is impossible to assign more professors to teach seminars. Freshmen were reminded of the Missouri bar registration requirement for those who intend to practice in Missouri or those who have not yet made a decision.

(cont. on p. 4)

## Chancellor names committee

by Ken Brown

University Chancellor William Danforth has named a committee of nine people to select a new Dean for the Law School to replace Hiram Lesar, who has resigned.

Dianne Taylor, a third-year student, is both the only female and the only student to serve on the Selection Committee. Others from the Law School are Professors William Jones, Patrick Kelly, Daniel Mandelker, Frank Miller and Dale Swihart.

Professor Merle Kling of the Political Science Department will serve as chairman for the committee. He will be joined by Professors Lucius Barker, also of Political Science, and Aaron Rosen of the School of Social Work. In naming Kling chairman of the committee, Danforth noted that it is customary for the head of such a group to be a member of some department other than one for which the selection is to be made.

Danforth said alumni of the Law School are also forming an independent committee which will interview serious candidates for the position.

The Chancellor said the Law School Faculty had suggested to him that a

student be added to the Selection Committee. He, in turn, asked the Student Bar Association to submit a list of names to him of those students who were interested in serving on the committee. Ms. Taylor was selected from seven students who expressed an interest in the position. According to Danforth, Ms. Taylor will be a full member of the committee with complete voting power.

Danforth said he hopes the committee "will cast a wide net" in its search for a new Dean. "Having an outstanding individual is the important thing," Danforth said. He feels the best way to get such a Dean would be to conduct a nationwide search for candidates.

Several of the leading candidates will be invited to the campus, Danforth expects, before the Selection Committee makes its final recommendation. Danforth said he will not necessarily accept the recommendation of the committee but will consider that candidate "very favorably."

Danforth hopes the new Dean will be selected by May, but he said it is possible that Lesar's successor will not be able to take office next September if he should have previous commitments.

"I hope the Selection Committee will give some thought to the direction of the Law School over the next decade in selecting a new Dean," Danforth said. "I can't think of anything more critical to the future of the Law School."



Ms. Taylor Selected



# Editorial

## What Come May?

During these anxiety-producing pays of job-hunting, a senior too infrequently has the time or the inclination to stand back and unflinchingly re-evaluate his or her post-May alternatives. This senior is no different. But, unfortunately, a few days ago I had occasion to indulge in such a re-evaluation, and I was somewhat disturbed.

My "inspiration" was a brief encounter with a successful rural businessman. Our conversation began with him inquiring as to the destination of the young "legal eagles" following their graduation in May. After explaining to him that most seniors by that time would be placed with firms, government agencies, etc., he told me what was really on his mind.

It seems that our businessman is thinking about retaining a lawyer on a yearly basis but does not know where to turn. It's not that he is unfamiliar with what the legal profession has to offer, for our businessman has dealt with lawyers many times before. Why the interest in inexperienced law school graduates? His answer was pointed.

"I would rather put up with inexperience and the incompetence that goes along with it than put up with the indifference of the experienced attorneys. I want somebody who is really interested in my problems. A breached contract which would have meant \$10,000 to me doesn't seem to stir their interest. I've had cases in various stages of preparation for months, even years. The problem seems to be that they (the lawyers) take more business than they can handle, and I must suffer because of it (note that our businessman has dealt and is dealing with lawyers in the City of St. Louis)."

While I have no empirical data at my disposal, I suspect that our businessman is not alone because I have heard his story before. He asserts that he is not alone and wonders why young lawyers just out of law school are not in a position to provide services to people like himself. I explained that it was a matter of alternatives—private practice doesn't offer the kind of immediate security that many young law graduates want.

Somehow, my explanation sounded a little hollow.

MJD

## SBA notes progress, pursues reform in "orderly fashion"

(Editor's note: At the request of The Advocate, this statement was submitted by the current President of the Student Bar Association, David Whitman.)

For the benefit of incoming freshmen and upper classmen who may have never left the confines of the law library, the Student Bar Association is a fairly open, democratic gathering of students whose aim is to provide services (the Book Mart, social functions, etc.) and to assert a stronger student voice in the operation of the law school.

While most of us would like to see more of a direct, substantive student role in the running of the law school, we, admittedly, are not a governing body. Our aim is to identify areas of student grievances and concern and to promote effective change.

A case in point is the classroom procedures hassle. (see proposals and faculty response on page three) We organized a committee to report on some tentative proposals for faculty approval. These were ratified and somewhat modified by the SBA. Then we wrangled with the appropriate faculty committee which reported to the

faculty as a whole who referred it to another faculty committee that recently released its report.

Though we dealt with a number of issues, the faculty responded very favorably only to the idea of advance notice concerning preparation, equal access to past tests and handouts, and professional courtesy. Yet, the faculty response was a reasoned one, and we did have an opportunity to talk directly to faculty members about their opinions in this area.

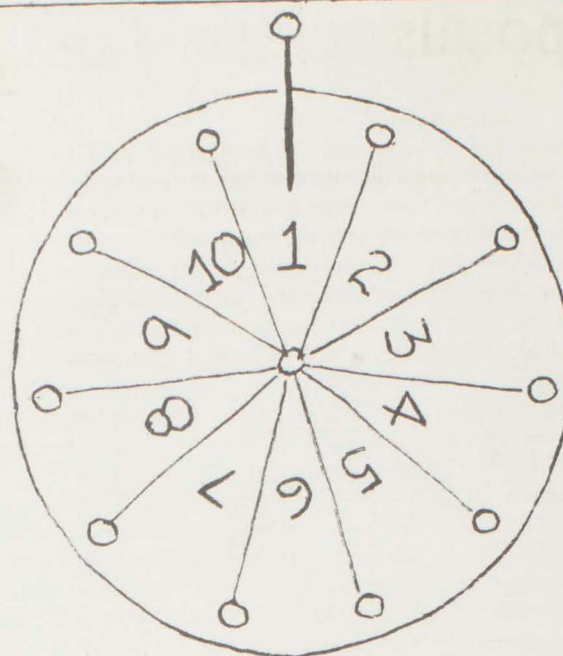
Some progress has been made, but in the final analysis the SBA is what the students wish to make it. The majority of the present members are not about to throw up their hands in despair or to call for a general strike, but are willing to work for reforms in an orderly fashion.

Thus far this year we have run a very successful Book Mart, which we hope to expand in the future, and an orientation program.

We are looking forward to a greater say in reforming the exam period, a subject about which Acting Dean Mills is very much concerned since not enough attention has been paid to it in the past.

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## "The Seminar Game"

### Non obstante veredicto

Clinical law  
is where  
you find it

by Al Frost

(Editor's note: This column was begun as a regular feature of The Advocate in 1971. Anyone who has an opinion about anything is urged to contribute.)

Being one of the many who anxiously (and fruitlessly) scanned the listing of classes for anything remotely resembling trial practice or appellate procedure this year, I have decided that clinical and court room experience is to be had only in spite of faculty inaction. At present this type of experience can be gained in the classroom in only one course, International Law II.

Due to the faculty limitations, any hope for other similar opportunities in the near future is faint at best. Hopefully this year's freshman class will have the chance to participate in a faculty-supervised program designed to educate students to the realities of the law. The absence of this type of program is not reason for total despair, there are always the competitions-Moot Court, National and International, and Office Practice. These are less than ideal because for the majority of the competitors they are one-shot affairs with little post-performance evaluation or feedback. But since they are the only games in town, it is refreshing that the competitions are as open and as well organized as they are. They are much better

than a total absence of opportunity.

Given this situation, the only alternative for the enterprising student who wishes to do something other than teach is to either center one of the Intramural Competitions or get a job which offers similar types of opportunities.

Law-related jobs usually start out as summer work for an attorney. These jobs are the product of much effort on the part of the student. Letters and resumes often do not garner the job, and the student must walk the streets to find employment. This too, is valuable training for the senior year when jobs are not exactly given away. These law related jobs may be with any of a number of organizations such as The Missouri Attorney General's Consumer Office on Delmar, Legal Aid Society, or the St. Louis County or City Prosecuting Attorney's Office in addition to private firms or attorneys.

One of the more ideal opportunities is work in the office of the St. Louis County Prosecuting Attorney. This past summer fourteen of us were directly involved in the judicial process. We tried preliminary hearings and traffic trials, issued arrest warrants and in more mundane times researched points of law for the Prosecutor's Newsletter. Opportunities to see the operation of criminal law in the real world are available not only as a prosecutor but also as a clerk for defense attorneys.

Jobs with private attorneys may or may not be ones which

carry you up the courthouse escalator often but they do severely try your fleeting knowledge of legal research and writing. The jobs are not totally boring for it is soon found that the involvement of real people with a stake in the resolution of a problem yields an immediacy and a human aspect to the law. Real, not hypothetical people can be rewarded as a result of your actions.

This feeling of "relevancy" may be best had in private law firms or places like the Attorney General Consumer's Office or the Public Defender's Office. Moot Court, of course, makes available intensive simulated trial experience which is highly valuable. Office Practice Competition presents another side of law practice, interviewing clients, but does not lack for immediacy.

Summer jobs may be found only after extensive footwork, but the reward can range up to \$750 per month, plus the obvious experience. The competitions, offer a chance for glory and cash and a better job opportunity upon graduation.

Therefore, for those of you wishing to punctuate your academic boredom with glimpses of reality, I would recommend the above activities. The hope for inclusion of a clinical program in the Law School curriculum at present is an illusory one.

In addition, the Chancellor has responded affirmatively to the idea of including at least one law student on the Search Committee for the new Dean, and the SBA will endeavor to strengthen the student role in this regard.

SBA meetings are tentatively scheduled for every Wednesday afternoon at 3:00 PM in Room 403 and are open to all students who are interested.

**SBA  
ELECTION  
OCTOBER  
4 - 5**

## Book Mart doubles sales

Although the accounting was not yet completed, Student Bar Association (SBA) member, Bob Knowles, reported that book sales for the first semester would total approximately \$2,000. This is double the sales of last Spring.

Since SBA receives a 10% commission for operating the Book Mart, the budget of the law school student government will be in the neighborhood of \$200. It is hoped that continued success of the Book Mart will enable the SBA to avoid levying fees on law students, as was done in the past.

There are still some problems

with the venture, however. According to Knowles, the major problem is having the books available when the demand is at a peak—the few days before the first day of classes. As it is now, there are books left over which were in great demand only a few days before.

Knowles attributes this lag in supply to the failure of students to turn in used books before the first days of classes. In order to remedy this problem, he suggests that students who want to sell their old books next semester should turn them in sometime during the current semester.

the



advocate

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Managing Editor .....Al Frost  
Articles Editor .....Bill Berry



## SBA proposals

### attendance

A. If attendance is required in a class, each student will be allowed a minimum of 6 unexcused absences for 2 credit hour courses, 9 for 3 credit hour courses and 12 for 4 credit hour courses.

B. Absences for medical reasons, death in the family, military duty, and other adequate reasons, at the discretion of the professor, shall be excused. The student shall inform the professor of the cause of his absence at the next class meeting he attends.

C. These procedures shall not apply to seminars nor irregularly scheduled make-up classes.

D. A student with more than the specified number of unexcused absences should meet with the professor to discuss his understanding of the material and progress in the course. No student may be excluded from an exam, however, for lack of attendance.

**Commentary.** Regular attendance of classes is an undeniably important aspect of a legal education. Class attendance by coercion, however, does little to further a proper academic atmosphere. In deference to the ABA concern with compulsory attendance at law schools, this proposal is offered to promote regular attendance at law schools, this proposal is offered to promote regular attendance while eliminating penalties for unavoidable or infrequent absences.

### tardiness

Tardiness shall not be penalized.

**Commentary.** Tardiness disrupts classroom discussion and infringes on the rights of the academic community. Expulsion from the classroom for tardiness is an equal disruption and infringement. A class is disrupted far less when a tardy student quietly takes his seat than when a professor stops the class to reprimand and eject him. As there are no rear entrances to the classrooms a tardy student should quickly take the nearest available seat. Classes begin at eight minutes after the hour, which is a reasonable time in which to proceed from one class to another.

### syllabi

A. All professors shall make available to their classes at the first class meeting, or as soon as possible thereafter:

1. A written statement of attendance and preparation policies for that class within the guidelines of these procedures.

2. A semester syllabus including all required and recommended readings and if possible, the dates on which a particular assignment will be discussed.

**Commentary.** Syllabi will enable the student to gain a necessary overview of the requirements of a particular course and to gauge his efforts. In addition, a concerted effort by all professors to distribute the course workload evenly throughout the semester will help to assure consistent optimum preparation by students and avoid an excessive burden at the end of the semester.

### preparation

A. Every student is expected to prepare for class. An unprepared student shall not be penalized, however, by being excluded from class, losing a portion of his final grade, or being subjected to other harsh punishment.

B. If a student is unprepared, he should see the professor before class and so inform him. For failure to follow this minimal professional courtesy, an unprepared student may expect that his non-preparation will be considered an unexcused absence despite his presence in class.

C. Requirements for adequate preparation should be specified in the semester syllabus.

**Commentary.** The ultimate grasp of the material in any particular assignment is the sum of efforts expended in preparation prior to class, classroom discussion, discussion within the academic community after class, review, and examination.

When circumstances have prevented a student from preparation he is severely restricted in his efforts to master the material at hand. To further restrict him by exclusion from class or other penalty hinders his progress and serves no useful purpose. The best interests of all are served when such a student is allowed to quietly follow the class discussion.

### handouts, past tests and answers

Sample examination answers, syllabi, and other handouts should be distributed fairly to all students. These materials should be placed in one of the offices, put on reserve in the library, or handed out in class.

**Commentary.** Due to the highly competitive nature of legal education, fair distribution of informative materials is imperative.

### professional courtesy

Members of the legal academic community should be treated with professional respect without regard to sex or race.

**Commentary.** Law professors, as members of the legal profession, have a responsibility to conduct classes in a professional manner. Implicit in this assertion is the requirement that professors treat each student with the same degree of professional courtesy which they would exhibit in dealing with any other member of the legal profession.

## Faculty response

### attendance

The standard proposed by the Student Bar Association would permit a student to miss approximately 20% of the classes in any course without excuse. In addition, it would permit additional absences to the extent that such additional absences could be justified by adequate excuses. Moreover, it would prohibit the exclusion from any course of a student who had more than the permitted number of unexcused absences.

The Committee believes that class attendance is a vital part of legal education. The aim of the Law School is produce the best lawyers possible rather than producing merely adequate lawyers. Because we believe that class attendance is beneficial to students, we conclude that this aim cannot be achieved without maximizing attendance. The goal to be sought is perfect attendance, but the adoption of the proposed standard might well distract some students from the pursuit of this goal. We recognize that perfect attendance will be impossible for some students and that some ab-

(cont. on p. 4)

# Moot Court to conduct contest

by Stephen Banton

The Wiley Rutledge Moot Court Society is initiating its program this fall, and the first meeting was held on Wednesday, September 6, at 3:00 P.M. in the courtroom.

The first contest problem deals with questions of Equal Protection and Due Process presented by a purchase of a shower by Por N. Broak from Reliable Home Products, Inc. (hereinafter referred to as Reliable).

In completing the transaction, Por N. Broak signs a conditional sales contract which has written on the bottom in large red letters: BE SURE TO READ ALL CLAUSES ON THE REVERSE SIDE OF THIS DOCUMENT BEFORE SIGNING. Por N. Broak, an elementary school

graduate, glances at the fifteen clauses in small print on the back of the agreement before he signs it. One clause gives Reliable the right to repossess the shower whenever there is any default in the payments. Another clause gives the clerk of the circuit court the power to confess judgment against Por N. Broak.

After payment of several installments are made on the shower, the pipes rupture and the walls and the floor are damaged. Por N. Broak refuses to make any additional payments. A default is declared, the shower is repossessed and confessed judgment is entered against Mr. Broak.

State law permits the reopening of a confessed judgment upon the payment of a filing fee of \$30. Mr. Broak

makes \$5,000 a year and refuses to pay the fee.

The lower court rules that the filing fee is constitutional and that it does not violate Equal Protection and Due Process. The court further rules that Por N. Broak failed to establish that he did not waive his constitutional rights to notice and hearing.

The Credonia Supreme Court affirmed the lower court's decision, and the United States Supreme Court granted certiorari.

The Wiley Rutledge Moot Court Program is designed to furnish a practical legal experience. Participants will have the opportunity of writing a brief on each side of the problem. On October 13, the briefs will be due and graded uniformly.

During the last days of October and the first days of November, oral arguments will be held. Each team or law firm is assured of arguing four times (twice on each side of the problem). Individual awards will be based on these four performances. The best teams (firms) will then go into a single elimination tournament to determine the best team.

In the second semester, a second contest will be held, and from the results and scores of both contests a new Executive Board will be chosen. Some of those Board members will then represent the law school in the 1973 National Moot Court Competition.

## Phi Delta Phi

Rich McConnell

and Noel Robyn.

Phi Delta Phi legal fraternity held its freshman open house on Friday evening, August 25, at the home of attorney Clifford Greve. Approximately forty men and women of the first year class were the guests of the fraternity for a social hour and an introduction to several prominent St. Louis attorneys. Guest speakers were attorneys Forrest Hempker, Charles Shaw,

The first regular dinner meeting of the fraternity this year will be held at the Cheshire Inn on September fourteenth. Guest speaker will be Joseph Badaracco, President of the St. Louis Board of Aldermen. He is also an attorney and the Republican candidate for Mayor of St. Louis. There will be more information and a sign up sheet posted on the fraternity bulletin board outside the locker room.

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*In order to service you, the law school community, The Advocate needs the active support of all of you. The Advocate welcomes any contribution (printable) that is relevant to the law school community. But most of all, The Advocate needs people to serve on the staff in order to remain a viable law school newspaper.*

(contact Mike Doster or Al Frost)



# Don't panic seniors, but get with it!

by Al Frost

Now is the time to apply for jobs, so begin to send those letters and resumes out. That is the message from Dean Joan Cronin of the Placement Office.

While emphasizing that her office will be of assistance whenever possible, Dean Cronin acknowledged the burden is on the individual to start applying to large firms everywhere—application to smaller ones can wait a few weeks. If you are not Coif, and do not have a job already, do not wait for an offer, but seek jobs actively.

This means writing a personal letter and sending a resume, and following up with a phone call a week later. The letters should be addressed to a specific person, preferably the youngest W.U.L.S. alumni partner, or if none, the youngest partner.

If you are applying out of town and hope to interview there, it should be done in October or early November. Christmas may be too late! Ms. Cronin stressed that it is still a seller's market, but the applicant should be a good salesman. Due to the tightening economy, on-campus interviews will be fewer, and those firms which do interview

may only be looking for Law Review people.

The thing to do now is to be certain the Statement of Intent has been filed with the Placement Office, and that it is up to date. The better the student cooperation with the office, the more assistance it can provide. In order to locate and obtain information on various firms, look in the Martindale-Hubbell Directory in the Placement Library, Room 320. Also in the Placement Library are listings and addresses of government agencies and other special groupings, such as Public Defender's Offices

throughout the country.

By Wednesday, September 13, all seniors should have received job information from the placement office to aid in the search for jobs. The office is also sending out brochures to all firms in Seattle, Portland, Denver, Minneapolis and Atlanta, areas with few alumni, to inform firms about Washington University and its students. The placement office hopes to help students get jobs in those areas. This procedure is a test to attempt to determine if this type of publicity is effective.

In cities where there are active alumni, they have been con-

tacted and many have volunteered to assist students in their search. Check with the Placement Office concerning those areas where you will be applying.

This year's class is not the first of the big ones; but rather, the last of the small ones. Consequently, jobs are available, although it will probably take until June to place the entire class. Finally, start working now and stay with it. If the situation looks bad, talk to Ms. Cronin about it and she will try to be of assistance.

## Faculty response

(cont. from p. 3)

sences must be expected. But the proposed standard is too lax to be an appropriate expression of this expectation. If a quantitative standard had to be set, we would probably recommend to the faculty a standard that would permit a student to miss only about half the number that would be permitted under the SBA proposal. However, we see no need for a quantitative standard at this time. For these reasons we recommend that the faculty not adopt the attendance standard proposed by the Student Bar Association.

### tardiness

The Student Bar Association proposal would prohibit the imposition of sanctions on tardy students. While the SBA recognizes that "tardiness disrupts classroom discussion and infringes on the rights of the academic community," they oppose the expulsion of tardy students from the classroom on the ground that it is an "equal disruption and infringement." This argument fails to convince us. If tardy students know that they will be expelled for tardiness and therefore do not try to enter classrooms late, there will be no disruption caused either by their entrance or by their expulsion. We recommend that the faculty adopt no new standards dealing with the handling of tardy students and that the matter continue to rest with the discretion of the individual professor.

Individual faculty members should continue to be aware of the rule requiring them to dismiss their classes promptly so that their students will not be late for immediately succeeding classes.

### syllabi

One of the student proposals relating to syllabi would require each professor to make available to his classes at the first class meeting or as soon as possible thereafter "a written statement of attendance and preparation policies for that class." In essence, since the ground rules may vary from course to course, the students are requesting advance notice of what the ground rules are for each course. This request seems reasonable to us, and we recommend that the faculty adopt the following rule: With respect to each course that he teaches, each professor shall publish, by the first class meeting or as soon as possible thereafter, a written statement of attendance and preparation policies for that course. Additions to or changes in attendance and preparation policies originally published at the beginning of the course shall be published and announced at the time of the addition or change. Publication may be by distribution of copies of the statement to students enrolled in the course, by posting of the statement on an appropriate bulletin board, or by other reasonable means.

### preparation

The proposed standard submitted by the Student Bar Association would prohibit the imposition of severe sanctions on students who are unprepared in class. Preparation, like attendance, is a vital part of legal education; much of the discussion concerning attendance is relevant here as well. We believe that any rule that may encourage inadequate preparation must be rejected, and that in this context, for some students permission is tantamount to encouragement. Moreover, while the student who fails to attend impairs his own legal education, the student who attends without adequate preparation may impair that of his classmates as well. Much classroom time can be wasted in a dialogue between a professor and an unprepared student. We, therefore, recommend that the faculty adopt no new standard concerning requirements of preparation and that each faculty member continue to have authority to impose appropriate sanctions for unpreparedness (including, without limitation, expulsion from class, assignment of additional work, or exclusion from the course).

### handouts, past tests, and answers

The proposed standard would require that all students in a course be given equal access to materials distributed in that course by the professor. We, of course, agree with this principle. However, discussions between students and professors frequently occur outside of class, and occasionally some materials relevant to such a discussion may be given to a student by a professor. If the professor believes that such materials would be helpful to a substantial number of the students in his course, he should make them generally available. If he believes that they are primarily relevant only to a specific problem raised by a specific student, he need not make them generally available. The decision is one that must be entrusted to the good faith and sound discretion of the individual faculty member. We recommend that the faculty endorse these principles.

### professional courtesy

The Student Bar Association proposal would prohibit discourtesy based on sex or race. We know that the faculty heartily agrees with this position, and recommend that they formalize that agreement.

We recognize that some professors may reasonably believe that in some circumstances some negative reinforcement is

pedagogically sound. For example, in appellate argument a lawyer might say in answer to his opponent, "My learned opponent seems to have overlooked paragraph B of the statute on which he relies." To a student, a professor might say, "Are you illiterate? Can't you read past the first semicolon? What does paragraph B say?" The professor might reasonably believe that this latter approach would impress upon the student the need for careful reading of statutes more effectively than the former. In short, while the treatment of some students by some professors may be unpleasant for those students, that very unpleasantness may serve a valid educational purpose.

## Ripples from muddy waters

Note: Recently, an unpublished manuscript of Lewis Carroll (of *Alice in Wonderland* fame) London which contained several well-known logic puzzles. Anyone who wishes to see how Carroll solved them should contact Al Winston Carroll's introduction is included.

Under this general heading I shall discuss various arguments, which are variously described by Logical writers. Some have been classified as 'Sophisms', that is, according to etymology, "cunning arguments", whose characteristic Attribute seems to be that they are intended to confuse; others as 'Paradoxes', that is, according to etymology, "things contrary to expectation", whose characteristic Attribute seems to be that they seem to prove what we know to be false; but all may be described by the general name "Puzzles."

### Pseudomenos

This may also be described as "Mentiens", or "The Liar". In its simplest form it runs thus:

"If a man says 'I am telling a lie', and speaks truly, he is telling a lie, and therefore speaks falsely; but if he speaks falsely, he is not telling a lie, and therefore speaks truly."

### Crocodilus

That is, "The Crocodile". This tragical story runs as follows:

"A Crocodile had stolen a Baby off the banks of the Nile. The Mother implored him to restore her darling. 'Well', said the Crocodile, 'if you say truly what I shall do, I will restore it; if not, I will devour it'. 'You will devour it!' cried the distracted Mother. 'Now', said the wily Crocodile, 'I cannot restore your Baby; for, if I do, I shall make you speak falsely, and I warned you that; if you spoke falsely, I would devour it'. 'On the contrary', said the yet wiler Mother, 'you cannot devour my Baby; for, if you do, you will make me speak truly, and you promised me that, if I spoke truly, you would restore it' (We assume, of course, that he was a Crocodile of his word; and that his sense of honour outweighed his love of Babies.)

### Antistrephon

That is "The Retort". This is a tale of the law-courts.

"Protagoras had agreed to train Euathius for the profession of a barrister, on the condition that half his fee should be paid at once, and that the other half should be paid, or not paid, according as Euathius should win, or lose, his first case in Court. After a time, Protagoras, becoming impatient, brought an action against his pupil, to recover the second half of his fee. It seems that Euathius decided to plead his own cause. 'Now, if I win this action', said Protagoras, 'you will have to pay the money by the decision of the Court; if I lose it, you will have to pay by our agreement. Therefore, in any case, you must pay it'. 'On the contrary', restored Euathius, 'if you win this action, I shall be released from payment by our agreement; if you lose it, I shall be released by the decision of the Court. Therefore, in any case, I need not pay the money.'

## meeting

(cont. from p. 1)

Russell Scott, Secretary-Treasurer of the SBA reported that Chancellor Danforth had been given the student applications for the student member of the Search Committee for the new law school Dean. The committee should be appointed shortly, and the names of the members will be posted on the SBA bulletin board when they are announced.

Dave Wenger, a member of the Honor Council, asked that any persons (especially freshmen) interested in helping to revise the Honor Code should contact him or come to a meeting to be announced.

## SBA to hold election

The Student Bar Association (SBA) of Washington University will hold an election on October 4th and 5th. Students interested in running for representative of their respective classes should drop a note in the SBA mailbox.

The number of representatives from each class is equal to 5% of the registered students in that class. Following their election by the student body, the representatives will elect officers from among themselves.

At the election, a referendum will also be held on an Honor Code presently being drawn up by an SBA committee.

## Muddy Waters writes again

Muddy Waters wishes to announce the first Mudd Res Ipsa Loquitur Beauty Contest to be held in late October. All entrants are advised to see Dave Whitman.

"Muddy Waters," the Law School's satire magazine, will again be published semi-annually this year. Our Fall edition will be distributed the week of Thanksgiving vacation.

The editor, Al Winston and Dave Uhler, are actively soliciting contributions from both student and faculty artists and satirists. Those persons who are interested in contributing to "Muddy Waters" can contact Dave or Al through their student mailboxes at the "Muddy Waters" office in Room 406 (Moot Court), ext. 4304, or by phoning 962-2982 or 781-0793 in the evenings.

Anonymity will be maintained upon request.



# Women law students: no longer a curiosity



(Editor's note: This article is the result of the author's interview with approximately 25 women law students.)

by Tish Armstrong

Women's liberation is affecting the nation's law schools and Washington University is no exception.

This year there are 83 women enrolled in the law school, making up 15 per cent of the student body (and 21 per cent of the first year class). In 1962 only three per cent of the student body were women.

Dean of Admissions, Gary Boren, reported an increase in the number of women applying to Washington University Law School, especially in the last year. While there is no quota set for the number of women admitted, Dean Boren said that this year women on the law school waiting list were given a

"limited preference" in gaining admittance.

Figures from 1971-72 show that women applicants have somewhat better records than men applicants. In that year, about one-half of the 129 women applying were admitted. About one-third of the 932 male applicants were admitted.

Is there discrimination against women in the law school? The majority of women interviewed agreed that there is no blatant discrimination, but many, principally second and third year students, feel that a subtle kind of discrimination is definitely present.

They said that it principally takes the form of not being called on in class as often as male students and occasionally receiving gentler treatment. While some felt this sort of treatment is desirable,

most said it was neither necessary nor fair.

Others remarked that professors used sexist jokes as a laugh-getting mechanism and that students laughed harder and longer at a woman's "hilarious" or "stupid" remark when the same remark by a male would not have raised a smile.

On the whole, first year women perceive no discrimination outside of class. However, many of the second and third year women interviewed said that subtle discrimination by their male counterparts was present.

Most who had this feeling said it was mainly noticeable in their first year. Many felt they were not included in discussions of school work unless they took the initiative. Once in a discussion,

(cont. on p. 3)

## the advocate

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### Judges will hear student argument

At 1:00 PM on Saturday, November 4, the Wiley Rutledge Moot Court Society will litigate the case of Por N. Broak against Reliable Home Products, Inc. before three justices of the Missouri Supreme Court in the Mudd Hall courtroom.

Two teams, composed of two juniors each, will present the case to the fictitious Supreme Court of Credonia. One team, Dan Austin and Dave Adamson, will represent the petitioner, Broak, and the other, Andrea Grant and Michael Lax will represent the respondent, Reliable Homes. The Credonia Justices, on leave from the Missouri Supreme Court, will be the Honorable John E. Bardgett, the Honorable Robert E. Seiler and the Honorable Robert T. Donnelly.

All law students and faculty are invited to attend. A reception will follow—time and place to be announced.

Biographical sketches of the three visiting justices are reprinted below:

**JOHN E. BARDGETT**, St. Louis. Born April 28, 1927, in St. Louis, Mo. Educated at Little Flower Grade School, St. Louis University High School, St. Louis University College of Commerce and Finance and St. Louis University School of Law, where he received an LL.B. degree in 1951. Member of Phi Delta Phi legal fraternity.

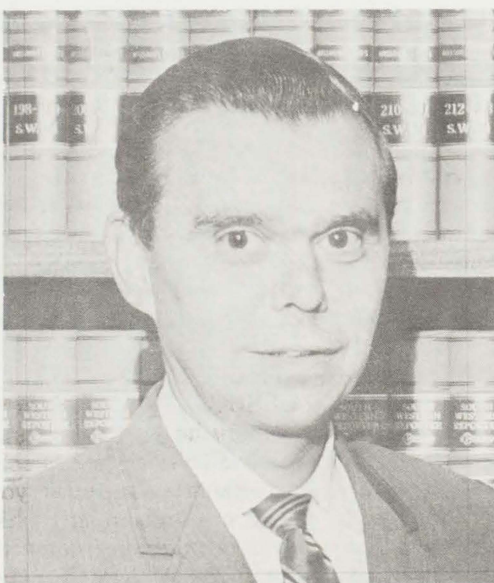
Admitted to the Missouri Bar in 1951; Illinois Bar, 1964; and admitted to practice before the Supreme Court of United States, and United States Court of Military Appeals in 1956. Before his appointment as circuit judge in September, 1968, he was a member of the law firm of Haley, Bardgett & Williamson, St. Louis, and was city attorney of Normandy in St. Louis County.

Member, the Board of Governors of the Missouri Bar, 1967-1968; president, Missouri Association of Trial Attorneys, 1968-1969; member, American Bar Association, American Judicature Society, Metropolitan Bar Association of St. Louis, Lawyers Association of St. Louis, St. Louis County Bar Association, American Trial Lawyers' Association, and International Academy of Law and Science. Served in the United States Navy during World War II.

Appointed judge of the Twenty-first Judicial Circuit, Division 12, St. Louis

#### Duff wins award

David Duff, a first-year law student, has been awarded second prize in the 1972 Student Research Paper Competition conducted by the American Society of Criminology. Duff's paper, entitled "The Public Defender: Defense Advocate As Social Ritualist," earned him an award certificate and a \$75 prize.



J. Bardgett

County, September 6, 1968, elected in November, 1968, for an unexpired term ending December 31, 1970; resigned to accept appointment as judge of the Supreme Court April 27, 1970. Both appointments were by Governor Warren E. Hearnes.

**ROBERT ELDRIDGE SEILER**, Joplin. Born December 5, 1912, Kansas City, Kan., the son of Walter A. and Maude Virginia Eldridge Seiler.

Educated in the public schools of Chillicothe, Mo., and University of Missouri-Columbia, where he received an A.B. Degree in 1933 and LL.B. degree in 1935. Member of Order of the Coif.

Admitted to the Missouri Bar in 1934. Began practice of law at Joplin, Mo., in June, 1935. In January, 1942, formed firm of Seiler, Blanchard & Van Fleet, Joplin, and continued in general practice with this firm until he took the oath of office of judge of the Supreme Court. Served as city attorney of Joplin, 1950-1954, and as member and secretary of Joplin Home Rule Charter Commission, 1953-1954. Served on State Board of Law Examiners, 1948-1965, (secretary 1950-1963; president 1963-1965). Served in Army of the United States, 1942-1945, 1st Lieutenant-Major, Infantry.

Member, Missouri Bar; American Bar Association; Jasper County Bar Association (president 1965-1966); American Judicature Society; Fellow, American College of Trial Lawyers; former trustee of Law School Foundation, University of Missouri; president of Missouri Law School Alumni Association, 1962-1963; member of National Conference of Bar Examiners (chairman, 1967-1968); former president, Joplin Rotary Club; member of Kappa Sigma fraternity.

Was appointed a judge of the Supreme Court under the Missouri

(cont. on p. 3)



J. Seiler

### Shenker speaks on lawyer's role

Morris A. Shenker, nationally known St. Louis attorney, expressed his views on the role of the criminal defense lawyer at the Phi Delta Phi dinner meeting held at the Cheshire Inn on September 29. According to Shenker, the lawyer should not be concerned whether his client is guilty or innocent but whether the criminal procedure used in the particular case conforms with our framework of criminal justice.

In short, the lawyer should represent his client regardless of who he is or what he has allegedly done. Presenting possible defenses and insuring that procedural safeguards and the State's burden of proof are observed are all



"not concerned with guilt or innocence"



J. Donnelly

part of the lawyer's function. The determination of guilt or innocence is the function of the court, Shenker said.

In response to specific questions, Shenker elaborated on the lawyer's responsibility and the canons of ethics. He said that he had represented many repulsive defendants but that even those individuals were entitled to representation.

Shenker views plea bargaining as a "boon to the criminal justice system" because it "unclutters dockets" and because it allows a disposition in cases which present problems to both sides—problems which present a risk to each side that a more unfavorable disposition could be obtained if the case went to trial.

Representing more than one defendant in plea bargaining situations presents a special problem. Shenker explained that he withdraws as counsel for all but one of the defendants in plea bargaining situations because of the potential conflict of interest.

Self incrimination also raises some interesting problems, according to Shenker. He stated that if a client confessed the charged crime to him, he would not place the client on the stand. If the client insisted on taking the stand to testify, Shenker said he would withdraw from the case.

He added that the new rules of ethics have supposedly altered this possibility. Since the defendant could always go to another attorney and not disclose his guilt, the new rule stipulates that the at-

(cont. on p. 3)



Editorial

Respectfully bored

The recent Tyrell Williams Lecture should have been unique opportunity to hear an outstanding member of the Bar express his views on an important area of the law. Sadly, it was not. While addressing the audience on the subject of *The Legal Profession*, etc. Mr. Jenner continually searched through his papers attempting to locate the page to which his rambling summary brought him. There were dozens of painful lapses while the audience waited for the speaker to carry on his endurance contest with them. This is certainly not the type of performance to be expected from an advocate before the Supreme Court.

The preparation for what has been in the past a highlight of the Fall semester was badly mishandled by someone. Was the speaker misinformed as to the length of time he would have to speak? As to the format itself? What was the reason for the awkward pauses while Mr. Jenner searched for the next point in his lecture, (if there was one)? In the classroom, let alone before the Supreme Court, it is to be expected that the person called upon to articulate his thoughts must be better prepared than was our speaker on that day. There should be little wonder that many persons, students and faculty, not possessing the authority to excuse the unprepared speaker suffered in extreme boredom as the disjunctive speech continued *ad nauseum*. While not wishing to make my extreme disappointment known by either leaving or sleeping and sincerely trying to be attentive, it is presently impossible for me to recall anything of substance said on that occasion—perhaps the most telling comment of all.

This is in sharp contrast to the last Tyrell Williams Lecture in the Fall of 1970. Then, John Minor Wisdom of the Fifth Circuit inspired the audience with an exciting and well prepared speech on civil rights. What is the cause of the disappointing decline in quality? One answer must lie with the selection committee. Either the screening process must be improved, or the speaker must be better informed regarding his preparation for the lecture.

The audience of that day deserves an answer for the painful performance they unfortunately witnessed. Who was to blame? Will steps be taken to insure the experience will not be repeated?

Finally, while the speech was abominable, it was no worse than the reaction of many spectators. While realizing the poor quality of the lecture, is it too much to ask that those members of the faculty and student body remain awake? Although Mr. Jenner made no great impression on us, how much of an impression did we make on him or, for that matter, the Chancellor?

AF

Letters

(Editor's note: This letter was submitted to Dean Mills along with a copy of the tentative exam schedule reproduced above. The letter is reproduced here to provide an explanation of the derivation of the tentative schedule.)

Mr. Lewis R. Mills  
Acting Dean  
The Law School

Dean Mills,

I am authorized by the SBA to present the enclosed schedule for your consideration. It represents the efforts of our committee on examination schedule revision and has the approval of the majority of the SBA.

We believe this schedule represents a fair distribution of the most heavily populated examinations. You will notice varying times have been indicated for first year examinations. We feel no purpose is served by beginning a one or two hour examination as early in the morning as a four hour examination and that the later hours are in the best interests of both students and administrative personnel.

By scheduling all second and third year examinations at the same time each day we have

provided those students with at least twenty-four hours between examinations.

Our committee is continuing to discuss proposals relating to retaking examinations missed due to illness and early examinations for some students with an (as yet undefined) heavy load. These proposals will be forwarded to you shortly.

Respectfully submitted,  
Richard S. McConnell,  
Chairman  
SBA Examination Revision  
Committee

Mr. Alan Frost  
Managing Editor  
The Advocate

Dear Al:

My sincere thanks to you for the well-written article in *The Advocate*. It represents accurately my thoughts on what the law school can do for the students and what they will have to do for themselves. Your headline is especially appropriate. The article will probably be read seriously by more persons than any memorandum or poster which emanates from this office.

Sincerely,  
Joan P. Cronin

Exam schedule

|                        |                         |                                                                |
|------------------------|-------------------------|----------------------------------------------------------------|
| SATURDAY, December 9   | 1:00 p.m.               | Urban Legal Systems<br>Land Transactions                       |
| MONDAY, December 11    | 9:00 a.m.<br>1:00 p.m.  | Legal Process<br>Law of Communist Nations<br>Legal Profession  |
| TUESDAY, December 12   | 1:00 p.m.               | Trusts and Estates<br>T.B.A.                                   |
| WEDNESDAY, December 13 | 1:00 p.m.               | Criminal Justice Admin.<br>Insurance                           |
| THURSDAY, December 14  | 1:00 p.m.               | Conflict of Laws                                               |
| FRIDAY, December 15    | 8:00 a.m.               | Torts                                                          |
| SATURDAY, December 16  | 9:00 a.m.               | Commercial Law I                                               |
| MONDAY, December 18    | 10:00 a.m.<br>1:00 p.m. | Legal Bibliography<br>Trade Regulations<br>Family Law          |
| TUESDAY, December 19   | 1:00 p.m.               | Estate Planning I<br>Jurisprudence<br>Problems of Mentally Ill |
| WEDNESDAY, December 20 | 1:00 p.m.               | Federal Income Taxation<br>International Law                   |
| THURSDAY, December 21  | 8:00 a.m.<br>1:00 p.m.  | Contracts<br>Estate Planning II                                |
| FRIDAY, December 22    | 1:00 p.m.               | Evidence                                                       |

Tips from an old pro:  
how to avoid those 55s

(Editor's note: A benevolent faculty member who did pretty well as a law student submitted the following article to the Advocate in the hopes that it might aid students in their struggle to pass. He did, however, ask to remain anonymous, perhaps fearing the wrath of those for whom this advice will not suffice.)

The typical law school examination question is a narrative statement of facts—facts that give rise to legal relations among two or more persons. From those facts you are to ascertain and discuss the legal relations. Other kinds of questions do occur, but they are somewhat rare and can be handled like similar questions on undergraduate examinations.

FOCUS ON THE FACTS AND ISSUES. In an examination answer, abstract statements of law count very little. A student who memorizes the Hornbook or the Restatement and reproduces it verbatim as his answer to the examination will flunk. Law school professors do not want just a statement of legal rules. They want you to select the rules that apply to the facts in the question, and they want you to demonstrate that you know what happens when those rules are applied to the given facts. Let us, in the best law school tradition, consider a hypothetical case. Suppose the question reads as follows: "A sneaks up behind B and hits him on the head with a club. Discuss the rights of the parties." The student who writes: "Any intentional contact with a person, not privileged, is a battery; any act that intentionally cause apprehension of contact, not privileged, is an assault," will flunk. But the student who writes: "A has committed a battery because he intentionally and without privilege contacted the person of B. He has not assaulted B because on the facts as given, B had no apprehension of the blow before it fell. Nevertheless, A is liable to B for the battery," will pass with flying colors. The moral is clear: spend your time talking about the ef-

fect of legal rules applied to the given facts. Don't just restate the facts, because this wastes time. Don't just state the legal rules, because that's not what is wanted.

THE CASE OF THE MISSING FACT. Sometimes you may be given a question in which a critical fact is missing. For example, suppose you are given a question in which A drives through an intersection at which there is a functioning traffic signal; while in the intersection his vehicle is struck by a vehicle driven by B, injuring A; you are asked to discuss B's liability to A. What you are not told is whether the light was red or green when A entered the intersection. In writing an answer to this kind of question you should point out that this fact is missing and important. If the light was red, A was, or at least may have been, guilty of contributory negligence. If it was green, however, this possibility of contributory negligence is removed. (Other bases for contributory negligence may remain.) But you must be reasonable. For instance, in the same question you are also not told whether or not A was being chased by a monster from Mars and whether or not a reasonable and prudent man would run a red light when so chased. You are not going to get any points for a discussion of this possibility.

THE RED HERRING FACT. Sometimes in writing the question your professor will put in facts that do not affect the results at all. If these are just for flavor (professors sometimes get carried away by their own creativity in writing examination questions), ignore them. If, however, such facts would in some similar cases affect the results, but don't in the question before you because of some other facts—or because of some exceptions to a general rule—then you should state expressly in your answer that the given fact is irrelevant and state why it is irrelevant.

THE RULE THAT ALMOST—BUT NOT

QUITE—APPLIES. In our hypothetical examination question about the "battery" the model answer also discussed "assault" even though no assault was involved. This is the right way to write a law school examination, but it is one of the hardest knacks to master. No assault was involved, but points are given for discussing why there was no assault. No defamation was involved either, but no points are given for discussing why there was no defamation. When the facts of the question fairly suggest a particular line of analysis—when a reasonable and prudent lawyer would think about, and then reject, "assault"—the answer should reflect the express rejection of that line of analysis. Otherwise the professor cannot tell whether you thought about and rejected the "assault" theory or whether it never occurred to you. In our hypothetical case it is fairly easy to see that assault is relevant, but in many questions the distinction is much more difficult. If you are in serious doubt, expressly reject the rule, but do it as tersely as possible.

PLANNING AN ANSWER. Whenever time permits, and it usually does, make a brief outline of your answer before you begin to write. The major headings in that outline should be the issues involved in the question but under each issue heading you should list the facts relevant to that issue. After you have sketched your outline, reread the fact pattern carefully. Are there facts in the question that do not appear on your outline? If there are, are they really "red herring" facts, or have you missed a significant issue? While you probably will not have time for an elaborate outline, at least think in terms of an outline. Try to scribble enough of an outline so that if a thought about the second issue occurs to you while you are writing about the first issue, you will have some place to record and capture that wandering thought.

BUDGET YOUR TIME.

the advocate



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Managing Editor .....Al Frost  
Articles Editor .....Bill Berry  
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# Women law students

(cont. from p. 1)

they often felt they were not taken seriously. But some said that once they had proven that they had a grasp of a subject, the problem subsided. Others disagreed, noting that even though they might have excellent grades, their answers were often doublechecked by male students.

When asked whether they felt that law school was more difficult for women than men, most of the women interviewed said that they see no difference. Several felt they had to work harder and assert themselves more to prove themselves to their classmates, but they did not think this was necessarily bad.

Ms. Marilyn Ireland said she thought the myth of women having a more difficult time in law school was false, in that as women were not expected to achieve as much, they were more often "let off the hook" and not called on as frequently.

All of the women interviewed supported the basic tenets of the women's liberation movement — equal pay for equal work and equal opportunity — but most shied away from labeling themselves a "women's libber," feeling the term carried extremist connotations.

Several women, primarily in the first year class, thought that the formation of a women's group within the law school would be beneficial. They suggested the function of such a group center around con-

sciousness-raising, education, discussion of women's issues and problems, and helping first year students adjust to law school. Others were opposed to such a group saying that whatever separation there is between the male and female students should not be increased. They added that problems would be solved only by more communication with men, not less.

Most of those interviewed feel that more women should be added to the faculty. They thought that it would be good for male students to realize that the teaching of the law is not solely a male occupation. Several felt that the addition of Ms. Ireland to the faculty was an example of tokenism. Ms. Ireland disagreed saying that her credentials qualify her for the job, and that she doesn't feel that she has been treated as a token.

## Specialization

Traditionally, many women lawyers have specialized in areas such as juvenile law and domestic relations. These areas are now relatively easy for women to enter. With the increasing number of women entering the profession and the lessening of job discrimination, this situation will probably change. Dean of Placement, Joan Cronin, said that as long as women are called on to play two roles, many will be limited to jobs that call for a forty-hour work week.

Ms. Ireland commented that while women may no longer be forced into

the traditional female fields, it is likely many will choose these areas principally because it will be easier to make that choice, and because their socialization makes those areas more attractive to women.

Of those interviewed, about two-thirds of the women students expressed an interest in private practice. Many were interested in going into public interest law. Other areas mentioned were trial work, international law, teaching, forming a legal collective and serving as a member of the judiciary.

Many think they will be confronted with discriminatory hiring practices upon graduation from law school, but Dean Cronin reported that many firms, corporations and government agencies are presently specifically trying to hire women. But she wonders what will happen when every firm or corporation has filled its token positions.

Ms. Ireland sees tokenism as a declining problem. She says that with the increase in the number of women entering the profession, firms and corporations will not be getting the best person for the job if they summarily reject women applicants.

One criticism of women entering law school is that they will not give the profession a life-time dedication and are taking the seat of a man who will. The majority of women interviewed said that in the event that they have children, they would probably work part-time while the children were small, returning to full-time work thereafter. A smaller number would stop work altogether, and some would continue full-time. The problem does not affect two groups of those interviewed — those who do not plan to marry and those who do not plan to have children.

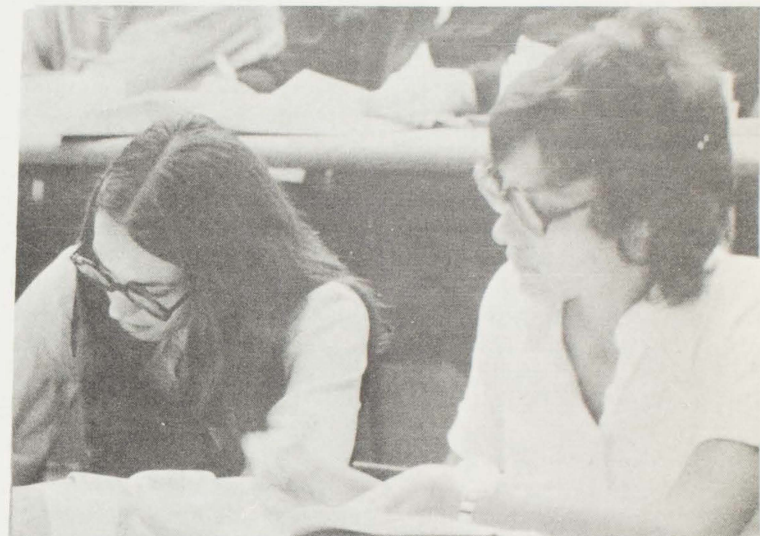
Nearly all could see nothing wrong with giving married women with small children time off or shortened working hours.

When asked what changes they would like to see in the law school in regard to women, the most frequent response was that there should be an increase in the number of women students and women faculty members. Most of those interviewed saw little need for any major changes.

Whatever the feelings of those interviewed, all were aware of the fact that women, even though a growing minority, are entering a profession heavily dominated by men. (In 1969 women made up 3.5 percent of the lawyers in the United States.) They simply ask that they be taken seriously and be judged only on the basis of their abilities rather than other irrelevant criteria.



"a fulltime profession?"



"law school no more difficult"



"limited preference in admission"

## Judges hear argument

(cont. from p. 3)

court plan by Governor Warren E. Hearnes and assumed office January 3, 1967. At the general election of November 5, 1968, was retained in office for a twelve-year term ending December 31, 1980.

**ROBERT TRUE DONNELLY**, Lebanon. Born August 31, 1924, in Lebanon, Laclede County, Mo., the son of Thomas and Sybil True Donnelly.

Education in the public schools of Tulsa, Okla.; took graduate work at the University of Tulsa, Ohio State University, and the University of Missouri-Columbia. Attended Law School at the University of Missouri-Columbia and was graduated in 1949, with an LL.B. degree. Is a member of Phi Delta Phi legal fraternity.

Admitted to the Missouri Bar December 10, 1949; engaged in the practice of law in Greenfield, Springfield, and Lebanon, Mo., from time of admission to September 7, 1965. A member of the Board of Governors of the Missouri Bar from 1957 through 1963, and the Bar Committee of the 26th Judicial Circuit, 1956-1965.

Served as city attorney of Lebanon, Mo., 1954-1955; member of the Board of Education of Lebanon, 1959-1965; special assistant attorney general of Missouri, 1957-1961.

Served with 405th Inf., 102nd Division, in World War II in the European Theater. Wounded in action; awarded Purple Heart.

Appointed a judge of the Supreme Court under the Missouri court plan by Governor Warren E. Hearnes, and assumed office September 7, 1965. At the general election, November 8, 1966, he was retained in office for a twelve-year term ending December 31, 1978.

## Shenker speaks

(cont. from p. 3)

torney must allow the defendant to tell his story and ask no further questions. Shenker feels that this would only alert the judge and the prosecutor that the defendant is lying since both are aware of the new procedure.

The discussion then turned to the trial techniques employed by Shenker. He revealed that he accepts as much of the government case as possible and looks for the crucial fact which, when given enough "twist", creates a reasonable doubt.

"In preparing for trial," Shenker asserted, "most attorneys are lazy. To win you have to be less lazy."

Shenker also revealed that he did not like to take depositions because if you expose a flaw, the witness and the opposing counsel may be able to "doctor" the problem before the case comes to trial.

In the area of criminal law reform, Shenker believes that the pre-trial procedures must be improved. An arrest record creates a stigma that remains with a person for life. Consequently, false and improper arrests must be minimized by improved procedures, according to Shenker.

Inevitably, the discussion turned to the controversy surrounding Shenker himself. He was asked specifically about the recent newspaper report of a \$500,000 "finders fee" that he received for "finding" a buyer for a Las Vegas hotel. Shenker explained that he would not receive all of the \$500,000 as reported and that the size of the fee was due to the fact that finding a buyer saved the people

who owned the hotel approximately \$5 million dollars in taxes.

Shenker was also asked why he did not sue Life magazine for the article which supposedly "linked" him with the Mafia. He said that a careful reading of the article reveals that no direct accusation was made. The article merely inferred Mafia connections. He added that it would be impossible to prove damages anyway since his business actually increased after the article was published.

Shenker stated that he does not associate with his clients except to the extent necessary to represent them in the courtroom. He denied any association with Mayor Cervantes and added that he thought the Mayor was in an unfortunate position because his aggressiveness in attacking the problems that plague St. Louis had caused him to make "errors in judgment."

The next Phi Delta Phi dinner meeting and guest speaker will be announced at a later date.

## Club hockey comes to Mudd

Practice sessions are now underway for the newly formed Washington University Ice Hockey Club. Organized by a group of law students, the team is open to both students and faculty from all colleges and divisions in the University. The league presently consists of eight teams, including St. Louis University, S.I.U.-Edwardsville

and UMSL. Each team will be playing a 21 game schedule with several appearances at the Arena.

Anyone interested in playing should contact Tom Beltz at the Law School. Practices have already begun and the first game is scheduled for November 1 at the Arena.

## SBA elections

SBA Representatives are:

**First year** — Bill Daniel, Michael DeHaven, Ilene Dobrow, Karen Fairbank, Bernard Gerdelman, Raoul Gagne, Rochelle Golub, Emanuel Thomas, Donald Tye, and Edward Weltman;

**Second year** — Dan Austin, Gus Bauman, Ken Daniels, Bernard Edwards, Gary Feder, Ellen Fowler, J. Jackson, Rich McConnell, and Thea Sherry;

**Third year** — Al Becker, Rich Doerr, Pete Gordon, Dick Kraege, Bob Knowles, Steve Van Daele, Dave Whitman, and Al Winston.

At their first meeting, the newly elected representatives selected the officers for the coming year: Rich McConnell (President), Gary Feder (Vice-President), Thea Sherry (Secretary), and Bill Daniel (Treasurer).

## Mock election results

In the presidential race, McGovern-Shriver demolished Nixon-Agnew, 228 to 51 (81% to 19%). The Republican candidate for governor of Missouri, Christopher "Kit" Bond, easily beat Ed Dowd, 135 to 89, but

Bond's running mate, William Phelps, was thrashed by Jack Schramm, 183 to 38, in the race for Lt. Governor. Attorney General John Danforth, a Republican, retained his office by trouncing Democrat James Spain, 134 to 81. In other state races, James Spainhower trounced Republican George Parker, 139 to 43, for Treasurer, and James Kirkpatrick easily outdistanced Republican Harold Kuehle, 148 to 38, for Secretary of State.

## IM football

After two games, Law and Odor is on its way to avenging last year's loss in the Intramural Championship. Outstanding defense, teamed with an explosive offense, has carried the team to a 2-0 record. Members of the team are Stan Lucas, Carey Schiever, Gary Barnhart, Dave Wenger, Don Schulte, Dave Agnew, Denny Affolter, Hank Katz, Tom Boardman, Dick Vidal, Steve Van Daele, Scott Neville, Bill Franchi, and Dave Miller.

Mudd A.C., a team composed mostly of second year students, has achieved a 1-1 record thus far.

Congressman William Clay, a Democrat, retained his seat by soundly defeating newcomer Richard Funsch, 82 to 12, in the 1st District race. In the 2nd District, James Symington, also a Democrat, defeated Jack Cooper, 69 to 16.

265 out of 267 people indicated that they were registered to vote. 148 indicated that they were registered in Missouri.

## Ideas for a new dean

If law students have any information or suggestions that they would like to pass along to the Search Committee for a new Dean, they can do so by contacting Dianne Taylor. Ms. Taylor, the student representative on the Search Committee, can be reached by leaving a message in her mailbox or dropping by her office, Room 319.



# Legal profession in the throes of revolution

by Brent L. Motchan

The first Tyrrel Williams Memorial Lecture to be presented in the courtroom of the Seeley G. Mudd building was given by Albert E. Jenner, Jr. Mr. Jenner, a Chicago attorney, is a senior partner in the law firm of Jenner and Block. In his forty-two years in the legal profession Mr. Jenner has been active in numerous law enforcement projects under bar association sponsorship, and he is currently the chairman of the United States Supreme Court Advisory Committee on the Federal Rules of Evidence.

The title of the address was "The Legal Profession - A Jacob's Coat, Three Patches or One Shade?". Mr. Jenner explained that the title was intended only to suggest that the legal profession was in the throes of revolution attendant upon social and economic revolution in this country.

"Jacob's Coat" represents the myriad problems of the legal profession. The "Three Patches" signify teachers, practicing attorneys, and the judiciary. As Mr. Jenner progressed in the lecture, three additional "Patches" were expounded: attorneys working as governmental administrators, attorneys in legislative capacities, and law students. The question posed by him is whether the "Patches" will diverge in their own directions or will they unify into "One Shade"?

The body of the lecture was prefaced by Mr. Jenner's proclamation, "I am bringing you inspiration." According to Jenner, inspiration will come

from the discharge of the privilege of representing society in the future.

The future problems outlined by Mr. Jenner included increased population, youth, and crime, the female population, population shifts, older persons, and the efficient utilization of natural resources. Attorneys within thirty years will be presented with the legal problems of an estimated three hundred million persons in the United States. "Each person will need freedom of movement, a home, and a place to sit and cogitate."

A corollary to the increase in population will be an increase in crime. "Regardless of what the politicians say, the major factor of increase in crime is increase in population."

Women will also be a factor to contend with as the population expands. Mr. Jenner stated that he had high regard for the three women associates in his firm. He also encouraged law schools to actively recruit and admit more females.

In the area of resource allocation, Mr. Jenner briefly touched upon the necessity of energy and food conservation and the problems arising from the proliferation of the automobile.

In closing, Mr. Jenner emphasized his opening comment, "I was not bringing you doom, I was bringing you inspiration. Being lawyers, we are all given to work together and serve the public. When we fail to do this, there will no longer be any legal profession."



"bringing you inspiration"

## MoPirg member appointed to Missouri Goals Commission

Tom W. Ryan, Jr., a member of the Missouri Public Interest Research Group, has been appointed to the Regional Advisory Committee of the Missouri Goals Commission.

The Goals for Missouri project is being carried out by the State of Missouri Department of Community Affairs. According to Mr. Gene Sally, Director of the Department, its purpose "is to advise the Governor and the General Assembly as to priorities and programs which are needed to create a better life for all Missourians."

The task of the Goals Commission is to review recommendations of regional goals committees and prepare state goals and objectives which the Governor and the General Assembly will be asked to adopt as official state policy. They will be asked to sponsor legislation which will commit the State to specific programs that will foster the achievement of the State Goals and objectives.

In making the appointment, Mr. Sally noted that Mr. Ryan had "distinguished" himself and had given "valuable testimony" to the Goals for Missouri Commission.

Ryan said that the ap-

pointment was a "complete surprise," and added that "much of the credit should go to MoPIRG." Ryan stated that "this is a great opportunity for students working with MoPIRG to influence state policy." "It just goes to show," he added, "that if you take the time to research problems thoroughly, people in important positions respect you for your work, no matter how young you are."

The issues with which the Goals for Missouri Commission deal include health, education, welfare, housing, transportation, justice, and economic development among others.

Robert J. Domrese, Executive Director of the Missouri Public Interest Research Group has asked that any student or faculty member interested in providing an input to the Goals for Missouri Commission to contact him at the MoPIRG office, 361-5200 or write, P.O. Box 8276, St. Louis, Missouri 63156.

In addition, the Missouri Public Interest Research Group is looking for student volunteers to engage in a number of short, intensive research projects.

The Research Group needs to gather preliminary data in each of these areas as soon as

possible. In many cases, the work would involve tracking down existing literature and identifying sources for further research. In most cases the work could be completed in two days.

The list contains suggested topics now being given a priority by the Missouri Public Interest Research Group. However, students are encouraged to suggest alternative areas of research on their own.

The suggested topics are: Government Agencies not using recycled paper. Preliminary work to set up a consumer complaint center. State regulation of prescription drugs. The Holder in Due Course doctrine as it applies to consumer transactions. MoPIRG's proposed consumer protection ordinance. Missouri's Workman's Compensation laws. Emergency Health Care in St. Louis. State laws relating to the expungement of arrest record. Public access to government records (The Freedom of Information Act). Important bills considered by the last session of the state legislature. Missouri's election laws. Toy safety in metropolitan St. Louis. Relocation of people forced to move by federal programs. Highway hazards, and Environmental issues in Missouri.

## ABA-LSD announces grant

One of the activities of the American Bar Association Law Student Division (LSD) for the current school year is the Law School Services Fund Program. The LSD announced that it has appropriated approximately \$32,000 to be allocated on a matching-fund basis to law schools conducting student projects.

Designed to encourage the expansion of student projects in a variety of areas of law, including environmental and legal aid clinics and Model Court Rule projects, and funds are available to any law school which has students active in the LSD. To be eligible for participation in the program, the proposed project must be open to all students registered at the law school; it must supplement curricular or extra-curricular programs in the law school; there must be collateral benefit to the school; and the dean of the law school must appoint a faculty adviser or sponsor to work on the project.

Grants from \$100 to \$1000 will be awarded to any project ac-

cepted as long as the law school will provide matching funds of an equal amount and will certify that the funds are available for immediate use. Projects may be designed for one day (to conduct a seminar, workshop, lecture, or similar program) or for greater periods up to nine months. Strict budgetary requirements must be met, and periodic reports concerning expenditures and general progress of the project must be submitted.

Application for projects for the fall semester or for one-year projects must be submitted to the Law Student Division of the ABA by November 3, 1972. Application deadline for spring semester projects is February 9, 1973, and applications for one day projects or projects for a duration up to a month must be submitted prior to April 6, 1973.

Application forms and more information on the Law School Services Fund Program are available at The Advocate Office in Mudd Hall.

## Prisoner's rights seminar announced

The Practicing Law Institute (PLI) has announced it will conduct a "Prisoner's Rights" seminar for all students interested in criminal law. Four seminars will be conducted throughout the country, the first being in Chicago, Illinois on December 15-16. The seminar will be conducted by several notable professors and judges including Marilyn G. Haft, National Legal Staff of the ACLU, Stanley Bass, NAACP Legal Defense and Educational

Fund, Inc. and Honorable Hubert Will, US District Court Judge, Northern District of Illinois.

The seminar is designed to investigate the Constitutional rights of the prisoner, his rights under the parole laws, and the changes introduced by the post-release programs. Sessions will also be devoted to the defense of the prisoner in lawsuits involving his rights.

The PLI is offering a special rate of \$10.00 to senior law

Delta Theta Phi, a professional law fraternity, will be active this year in two programs designed to add practical experience to the theoretical learning of the classroom.

One of these programs, initiated by the fraternity last year, is "Practicality Seminars." These seminars will be held once a month.

The first seminar featured a talk by Art Smith, an alumnus of Washington University Law School and a member of Delta Theta Phi. Art graduated with the highest average ever to be attained at the Law School, and his talk appropriately focused on studying for law exams and the successful completion of law school.

Other seminars will cover such topics as practice in Magistrate Court, interviewing clients and divorce actions.

In addition, Delta Theta Phi will continue the "Footsteps" program which was also initiated last year and proved to be a great success. Members

students interested in attending this seminar at Watertown Hyatt House in Chicago. Any student interested should write PLI at 1133 Avenue of the Americas, New York, N.Y. 10036. Additional information concerning the program is available at The Advocate office.

## Delta Theta Phi

who participate in the program will spend a working day with a practicing attorney. This program not only affords the law student an opportunity to observe the practice of law firsthand, but it also serves to acquaint him with members of the profession. It has proven to be an excellent way to learn about job opportunities.

Delta Theta Phi is also planning a number of social functions including steak dinners with guest speakers and a trip to the Arena for a Blues hockey game. Less formal outings of a spontaneous nature are also part of the agenda.

The members are looking forward to an informative and eventful year. Law students (Delta Theta Phi does not discriminate—sex, race or otherwise) having questions about the fraternity or those law students interested in joining may obtain an application from Rich Doerr (741-9932), Joe Derque (894-2847 or either of the Klippels (727-1142).

## Lectures announced

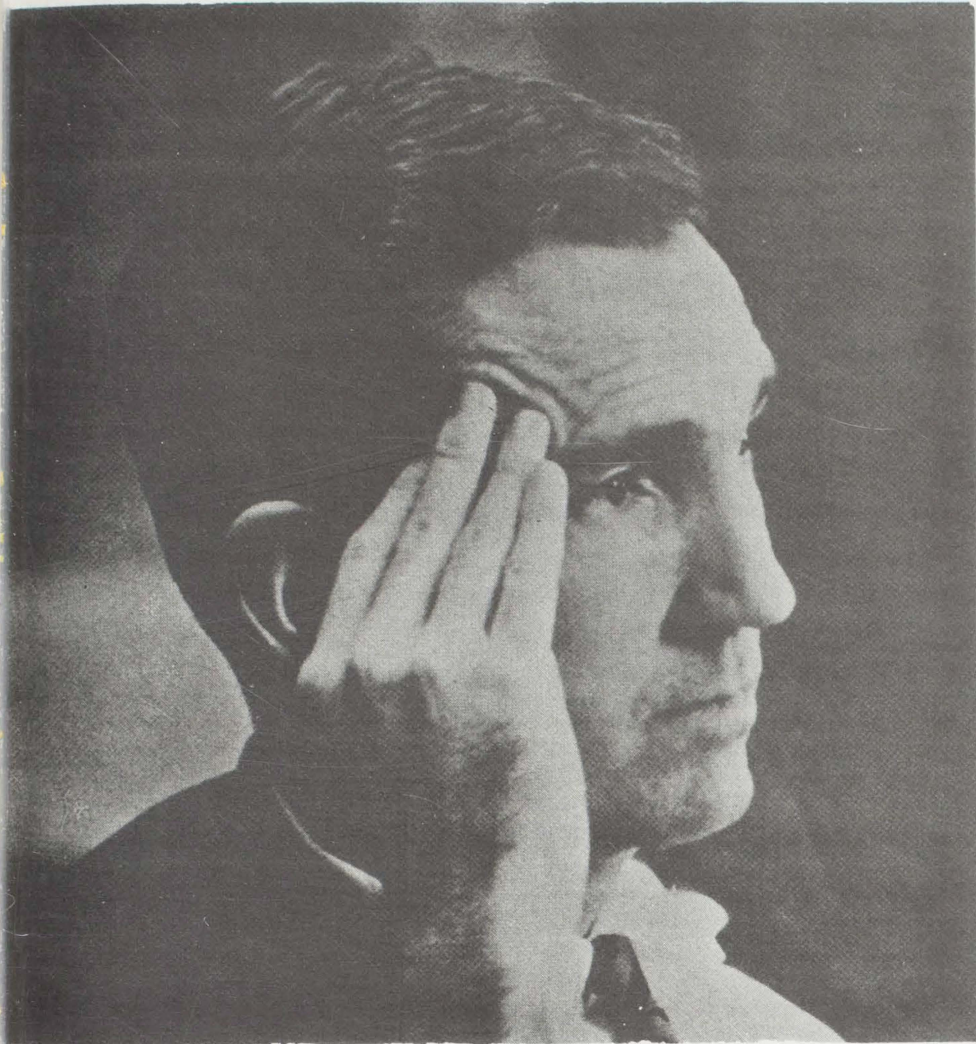
Professor Daniel Mandelker has announced that two authorities in the area of Urban Affairs will visit the campus this academic year as a part of the Urban Affairs Lecture Series. They are Nancy Levy, Chief Trial Attorney at the Columbia University Center on Welfare law, and George Sternlieb, Director of Rutgers University Urban Studies Center.

Ms. Levy, active in welfare reform and welfare litigation, is responsible for several important welfare cases now pending in federal courts. She will be speaking at the Law School on Nov. 3, 1972, at 10:00 a.m. in the courtroom.

Mr. Sternlieb, author of *The Tenement Landlord*—based on a study of Newark, and a leading expert on housing and urban problems, will deliver an all-University lecture sponsored jointly by the Architecture and Social Work schools. Mr. Sternlieb will be available for consultation with law students interested in urban problems while he is on campus for the lecture. Professor Sternlieb will deliver his lecture on February 7, at a time and place to be announced.

**Students,  
The Advocate  
still needs  
Reporters!**





dissatisfied with the function of law

### Urban Affairs Lecture Series:

## Levy examines role of welfare lawyer

Ms. Nancy Levy, a New York lawyer active in welfare reform and welfare litigation, gave the first lecture of the Urban Affairs Series in the Mudd Hall courtroom on November 3. Focusing primarily on the role of the lawyer in the welfare system, Ms. Levy began by describing the functions of her employer, the New York Welfare Rights Center.

The Center basically has three functions which receive most of its attention. First, the Center serves as clearinghouse for information concerning welfare rights, welfare litigation, other relevant current developments and information about the welfare system in general. Many individuals and groups rely heavily on the Center as a source of information about welfare.

Secondly, the Center is involved in welfare rights litigation either directly as representative of a client or indirectly as *amicus curiae*. Finally, the Center spends much of its time serving various client-groups, the largest of which is the National Welfare Rights Organization (NWRO).

Ms. Levy said that the Center's relationship with NWRO was an interesting one. Since the Governing Board of NWRO consisted of a large number of non-lawyers, specifically welfare recipients, conflicts sometimes arise. For example, a conflict may arise when there has been a local violation of the Social Security Act. While the Center may be able to solve the problem through litigation, the NWRO may wish to solve the problem by other means such as community organization.

According to Ms. Levy, the goal of furthering organizing efforts rather than only achieving immediate results has developed from this relationship. Emphasis is placed on long-range change rather than immediate results.

Ms. Levy then turned to her personal experiences in the welfare system. She revealed that her "minor skirmishes" with administrative agencies had often

before a judge—"at least he has some respect for the law, and if he doesn't, he won't let it show." "Unlike Moot Court or classroom situations," Ms. Levy said, "judges will ask a question because they are seeking a *real* answer." She added that this was probably a major reason why she had found practice to be easier than law school.

She related that she had found great pleasure in "small" victories. She recalled a recent attempt by the State of Nevada to cut off benefit payments to approximately half of the State's welfare recipients. This was done, she explained, by a computerized re-computation of benefits which resulted in removal of half the recipients from the welfare rolls without a hearing. Through the combined efforts of lawyers and other concerned individuals and groups, many of these people were restored to the rolls.

Ms. Levy elaborated on the dynamics involved in the Nevada situation which ultimately produced the victory. The immediate function of the lawyers was to establish the people's right to a hearing and obtain a court order restoring people to the rolls until such time as their cases could be heard. By forcing a hearing in all of these cases, immense pressure was exerted on the government of the State. While only 15 to 20 hearings a year had been held previously, approximately 25 were held every week following the lawyers' action, and Nevada only had one hearing officer.

There were two purposes behind this action, according to Ms. Levy. First, the hearings resulted in the correction of numerous errors made in computing benefits. Secondly, the disruption caused by the increased case load placed pressure on the State government, which eventually discovered that holding the hearings was more expensive than maintaining all of the people on the welfare rolls.

The non-lawyer participants also played a major role in the Nevada vic-

## Ramsey Clark visits Mudd

Former Attorney General of the United States, Ramsey Clark, spoke to a capacity crowd in the Mudd Hall courtroom on November 14. His informal talk focused on his philosophy regarding the function of law in a complex society. Clark is clearly dissatisfied with the function of law to date.

Clark said that throughout law's history it has been an effective means for resisting change, and he expressed dislike for a society where "90 per cent of the law goes to 10 per cent of the people." He believes that law can be an "effective instrument for change." But in order for that to happen, "Blackacre must be forgotten," according to Clark.

"The joy in the Bar lies with poor people's law. This is the one area of the law that needs the most expansion," he said. More rights and remedies need to be created for the poor, Clark asserted. It is the "frightened, the ignorant and the weak" who most need legal safeguards for their rights.

While Clark stated that "the power of the law is moral leadership," he recognizes that that power is not without limitation. According to him, there are "enormous limitations on the power of law. For example, we can't seem to desegregate very well with the law." Despite its limitations, he believes that law can be a major problem-solver.

One student asked him if he thought that law school education was inadequate to achieve the change in the function of law that he envisioned. Clark responded by indicting law schools as examples of the failure of our institutions to change. He added that he would like to see more Remedies-oriented courses in the law school curriculum.

Clark also thought that lawyers do not receive enough background in organizing independent power bases

for citizen groups. He said that such bases have proven to be the first step in successfully advancing the interests of these groups and effecting long-range change because they are independent of existing adverse interests.

Another student asked Clark if he knew how law schools could be sensitized to minority problems. Clark suggested that one solution might be the introduction of "lateral transfusions" from other schools and departments in the university such as the Sociology Department. Interdisciplinary cooperation should be encouraged, according to Clark.

"Law Schools have an obligation to reach out into the community," he said. Clark did not elaborate on what form of activity this "reaching out" should take, but he did blame Law School faculties and administrations for being insensitive and out of touch with the present. "Law School faculties and administrations are basically elitist," Clark alleged.

Clark was also asked if he had come to any conclusions about the major concerns of the Burger court. He responded candidly, saying he could not tell what they (the Burger court) are concerned with, and he is not sure that they are even concerned. In evaluating the Supreme Court, however, Clark cautioned that one must keep in mind that the court "has always been a conservative institution."

In response to questions concerning civil rights, Clark asserted that "there is no justification for the *de facto/de jure* distinction—all discrimination stems from state action of one form or another." He also believes that the lack of Civil Rights enforcement "is not a failure of the system but of will." This failure of will, according to Clark, underscores the need to create more private rights and remedies.

## Placement Office initiates new programs, seeks student assistance

In an attempt to learn more about employers who contact the Law School, Dean Joan Cronin has instituted a new Placement Office project. The Office has prepared "crib sheets" which it would like students to fill out in order to provide specific information about law-related employers.

The sheets, essentially check lists, attempt to determine, among other things, whether the firm has ever heard of the Law School, when the firm starts to interview and when it makes its hiring decisions—all of it, highly important information to Law School seniors. The sheet also contains questions about summer job interviews which first and second year students are urged to com-

plete. The information gathered from these sheets will be collected in a booklet which will be distributed to all students next Fall.

Sheets should be filled out on those firms or agencies with which the student has already interviewed, and students are strongly urged to obtain a supply to find out immediately after each future interview. No students' names are requested on the sheets, and they may be turned in at a box on the secretary's desk. There are separate sheets for firms and governmental agencies. All sheets may be picked up at the Placement Office after December 4.

stration on the "Strip" in Las Vegas actually created a lobbying force of businessmen who clamored for restoration of the lost benefits.

Ms. Levy emphasized the precept that the Nevada victory provides. She believes that the key to successful practice in the welfare system (and in other contexts as well) is "knowing where to apply the pressure." The lawyer need not always go to court—the power to disrupt is often extremely important, she said.

In concluding, Ms. Levy briefly discussed the status of reform legislation. She said that as the current reform legislation has progressed it has become more conservative. The present form actually calls for lower benefits and the elimination of required state

supplements. The result, according to Ms. Levy, is a level of benefits below that existing in all but six of the states including Puerto Rico. She noted that NWRO was pleased that passage of H.R. 1 (Welfare Reform Bill) was deferred since they did not consider it a true reform and postponement of legislative action would enhance the development and organization of citizen groups.

The welfare lawyer has to sensitize the public to the real problems of the current welfare system before necessary changes can be made, Ms. Levy said. In addition, the lawyer can assist in "organizing around the existing system" so that pressure for long-range change can be brought to bear.



# Editorials

## Happy Exams

After contemplating what the SBA-designed, faculty-approved exam schedule was about to do to me, I had to raise a question which, although raised on previous occasions, has never been satisfactorily answered. Perhaps it never will be. Why is there an exam schedule?

The SBA attempted to solve what it felt to be the major problem inherent in exam scheduling—two exams in one day. That they have done. But, they have not been able to eliminate the trauma of three in four days. For hardship cases, changes are allowed. But what is hardship? However, this best of all possible exam schedules has created a few new problems. Evidence at 1 PM, December 22. Just try to go somewhere for Christmas in the crush of holiday traffic following the mental exhaustion of a three hour exam. If you are headed for Florida, New York, or California, you will be lucky to arrive in time to help take down the tree. Maybe it will be a happy New Year's Eve.

My attempt to obtain an early date on which to take Evidence, so I might search for a job, as well as attend to some family business, was denied. Apparently, it was not a "hardship" among those designed sufficient to warrant an exception from the schedule.

Being forced to challenge fate in a race across the continent to reach the coast by Christmas is one thing. After all, we do have Christmas off from classes. However, an exam the day after classes end is something else. Urban Legal Systems and Land Transactions at 1 PM, December 9. Not a bad deal if you like to cut classes to study, but presumably, there will be a few people in class on the last day. Could the SBA be conspiring with the faculty to keep grades down?

It is my view that SBA is not truly the guilty party, however. They have allowed the faculty to slough off one of its functions and aided the faculty's never-ending struggle to avoid being blamed for anything. No exam schedule is perfect, and as long as there is a schedule, there will be unfairness and bias. The only "ideal" solution is to allow students to take exams whenever they wish. While realizing the faculty has discarded this option as unrealistic, I do not advocate that the faculty admit error, but, perhaps a new committee could make a new study which would reveal new information demonstrating the feasibility of an open exam period—it might even include interviewing students to determine their feelings (outside the faculty's memorial lunch room, of course).

Past efforts in this regard have been rebuffed by the claim that cheating will be rampant. How can we tell? Enforcement of the Honor Code would solve that problem. It can only be enforced by individual students who are concerned with both the quality of their education and the operation of the system. The Honor Council could be encouraged to seek out and punish violators. It may work.

More correctly, perhaps the proper frame of reference for evaluation of a new system is a determination of an acceptable level of cheating and whether an open exam period would result in exceeding this level. Apparently, the present level of cheating is acceptable—nothing is being done to alleviate what the faculty tells us is a recurrent problem. I have no reasonable grounds to believe the level will increase.

Allowing students to be able to choose their exam dates—relieves everyone of the onerous burden of deciding what the schedule will be and establishing and applying standards for variances. Students could sign up a week before the start of the exam period for the time slot in which they wish to take each of their exams. On each day, the staff could pass out the exams to the people who have signed up for that time, much in the same way it is presently done.

This proposal will certainly meet with much opposition, both from students who do not wish to assume the responsibility of making the required decisions and from the faculty who may view it as an assault on their privileged realm. However, the arguments against an open exam period will outweigh the inherent inequity of one small group of people deciding for the individual when he will take exams, (the results of which bear very heavily on his future), or how many days he has to prepare for each of them. That is a decision much better left to the individual.

AF

## Death of an advocate?

During the course of the first semester I have, upon occasion, thought about resigning. I have even gone so far as to ask several people if they would take over the publication of the newspaper if I did. Alas, no one wanted the job.

These thoughts have not been stirred by lack of interest on my part, for I enjoy what I do. And they have not been stirred by that most infamous of crutches, apathy or lack of support. I simply did not believe I had the time to do the kind of quality work that law students expect from their newspaper.

However, I hung on (oh brave martyr), driven by the fact that no one wanted the job. Now I fear the newspaper will collapse after graduation since the entire staff consists of seniors.

If anyone out there is concerned about the continued existence of the newspaper next year, come and talk to us.

MJD

# Non obstante veredicto

## The Grand Jury: Instrument of Repression?

by David Wenger

The National Lawyers Guild (NLG) sponsored a Grand Jury Workshop on Saturday Nov. 11, at which 2 attorneys, Barry Litt of Los Angeles and Jim Rief of the Center for Constitutional Rights N.Y.C., conducted an all-day training session. Over 70 lawyers, legal workers and law students (no faculty members) attended. The session's purpose was two-fold: to enlighten everyone on the Nixon administration's use of the grand jury, and to discuss relevant cases and statutes that must be understood in order to defend clients called before a Federal Grand Jury.

At the session, it was aptly pointed out that the Federal Grand Jury is emerging as the "chosen instrument" of the Administration's strategy to curb dissent and intimidate and demoralize both radicals and others who oppose government policies. Thus, in the last two years 13 Federal Grand Juries have been convened resulting in over 70 cases coming before the courts for decision. Only two cases had come to the courts by way of the Federal Grand Jury in the last twenty years.

The choice of the grand jury seemed almost inevitable. Although historically the grand jury was intended to act as a "shield" between the state and the citizen by insuring that probable cause existed for an accusation [see *Wood v. Georgia* 370 U.S. 375, 390 (1962)], this characterization has become wholly anachronistic. Consequently, even though theoretically grand juries are adjuncts of the court, today they have become "rubber stamps." They all but automatically follow the direction of the prosecuting attorney, which in this case is Guy Goodwin, head of the Internal Security Division

(ISD) of the Department of Justice.

Moreover, the grand jury process has become an investigative lever of the FBI itself, despite the fact that Congress has consistently denied the FBI's request for the power of subpoena. Thus, today ISD prosecutors openly consult with FBI agents, who feed him questions and, in effect direct and investigation. In many instances, individuals, who refuse to voluntarily answer the questions of FBI agents, are told that they will be subpoenaed. They are then subjected to the same questioning before the Grand Jury. These questions are rarely posed to individuals supposedly under investigation but more commonly to individuals who are mere "witnesses."

The government is approach has been to subpoena witnesses with known movement connections, however slight, grant them immunity from prosecution and then drill them with far reaching questions about all of their activities, friendships, and group associations — questions which typically hear little or no relationship to the purpose for which the grand jury was convened. In this way the government can expand its knowledge of movement activities as well as strike fear into all those who would speak out against the activities of their government.

More specifically, this "investigation" is accomplished by giving the individual the so called "use plus fruits" immunity, created by the Organized Crime Control Act of 1970, 18 U.S.C. 6002-3. This immunity does not protect the testifying witness from prosecution, but does prohibit the use of testimony, or of any direct or indirect leads derived

from the testimony of the witness. A recent Supreme Court decision, *Kastigar v. U.S.* (June 29, 1972), held that this immunity was constitutional. Now the government may grant a witness immunity and compel the witness to testify or be held in civil contempt (128 U.S.C. 1826) and thrown in jail for the life of the grand jury (usually 18 months).

In addition, a witness is not entitled to have counsel present in the grand jury room but may leave the room to consult with counsel after each question is asked. The normal rules of evidence do not apply either.

The workshop was the first in a series of similar sessions organized by the local chapter of the National Lawyers Guild (NLG). It is an attempt to supplement the sterile education offered daily in the classroom by bringing "real lawyers" to the school to afford students the opportunity to discuss relevant legal issues currently having an impact on peoples' lives today.

Another workshop is scheduled for the second weekend in March. That workshop will center around the theme, "Internal Union Democracy - Does It Exist?". Smaller one hour, after-school sessions are also planned. Suggestions as to what students would like to see in the way of programs such as these are welcomed.

In conjunction with the Grand Jury Workshop, a library has been set up by the St. Louis NLG Chapter. The library contains a complete bibliography of relevant articles and cases on Grand Jury law as well as helpful hints on how to defend your client before the grand jury. This information may be found in Room 409 of the law school, and it is available to anyone interested.

# SBA Committee Reports

*Editor's note: All of these committees seek the active participation of interested members of the student body. You do not have to be an SBA representative to be a member of a committee.)*

## Academic Affairs

There will be pre-registration for second semester courses before the end of the exam period. It is possible that there will be lotteries for some of the upper level courses.

Hopefully, the pre-registration plan will eliminate some of the confusion that occurred at the beginning of the first semester. Students will no longer be allowed to "over-register," i.e., register for a greater number of credit hours than they actually intend to take.

This committee is also looking into such matters as summer school and the possible addition of courses to the curriculum.

## Book Mart

The Book Mart will be operated by Bob "Shady" Knowles and John Dahlem next semester. This committee requests that students bring books being used next semester to the SBA office, Room 408. In order to have the books on hand when the demand is greatest, the committee would like to have these books by the end of this semester.

A list of the books being used in second semester courses is posted on the SBA bulletin board.

## The Library

The library committee has been working with Miss Ashman and Mr. [illegible]

bring about improvements in the Freund library.

There have been improvements in lighting and the reshelving of reference books, but the committee feels that the current operation and condition of the library is still unsatisfactory. According to this committee, the "powers that be" have shown some concern, but little positive action has been taken.

The committee urges students to support the work of the committee by expressing their discontent with the library facilities to its administrators. The committee has also asked St. Louis University Law School students to use some discretion as to the extent which they are the Freund library.

## Orientation

To date the committee's attention has been focused on next year's orientation program. The proposed agenda currently being discussed includes the following: addresses by members of the practicing profession, professors and the Dean; instruction on how to brief a case; introduction to the various student organizations and publications.

In addition, the committee is considering a picnic or beer party for incoming freshmen and returning upperclassmen.

This committee is also planning to work with the Academic Affairs Committee of the SBA and the faculty Curriculum Committee in an attempt to restructure the Legal Bibliography course. It has been suggested that lectures for this course be eliminated and

distribution of assignments. A thorough introduction to the library at the beginning of the semester, if not during orientation, has also been suggested.

## Public Relations

This committee is formulating plans to show applicants for admission the physical plant of the law school and provide them an opportunity to talk with a member of the student body before making a decision about the law school. The committee wants to provide as much useful information as possible without indoctrination or diatribe.

## Speaker Activities

The committee is planning a number of social and informational activities for the Spring semester including more Friday afternoon "bashes" and a showing of the *Chicago Seven* film.

Because the SBA would like to greatly expand student programs, it is considering a referendum on the reinstitution of a membership fee. The revenue from the fee, in addition to the proceeds from the Book Mart, would allow the SBA to be independently funded.

The scope of this committee's activities will depend upon the outcome of the proposed referendum.

## Student Rights

This committee is discussing several issues with the intent of formulating substantive proposals. Revision of the Honor Code and Honor Council, investigation of the grading system and a student's right to privacy (the question of faculty access to student files) are

the advocate



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# Courses for 2d Semester

(Editor's Note: The Advocate wishes to thank those professors who cooperated with us in an attempt to aid students in selecting their courses for next semester.)

## Environmental controls Mr. Becht 3 Hours

This course is based on a casebook which I am slowly building with the help of many students: Frederick Cass, Frederick Huff, Mrs. Susan Glassberg (1970-71), and Mrs. Joan Newman, Mrs. Belle Mori, and Alan Nettles, who are currently doing research (1971-72). The purpose of this book is to teach the common law remedies, defenses, (of which there are too many), and statutory remedies, including administrative regulations, as well as ordinances, zoning regulations, etc. This material covers air and water pollution, pesticides, noise and thermal pollution. I hope to be able to find material on aesthetics sooner or later. Attention will be paid to new federal material such as the National Environmental Policy Act and the Federal regulation of pesticides.

The common law remedies are trespass and nuisance and it is rather like restitution because the cases shift back and forth from common law to equity and back to common law again. This is also a good course in which to learn something about the way equity operates.

I believe this is one of the most important courses in the curriculum at the present time. This is partly because I believe it could be better perhaps not to have as many statutes and administrative regulations as we now have. I am not convinced that the statutes are actually improving the law. You would have to take this course to understand why I think this is true.

## State and local taxation Mr. Boren 3 Hours

A study of the state taxation of property, sales, income, corporate activity, gifts and inheritances; analysis of constitutional limitations on state taxation.

The book used will be Hellerstein, State and Local Taxation, third edition. The material on constitutional limitations on state taxation will be taught by the case method out of the book. In addition, students will each prepare a paper on a separate topic of state or local taxation and will present information on the subject of the paper to the remainder of the class. A final examination will cover the constitutional limitations material and some of the materials presented by the students. Students will be graded on the examination, their papers and their classroom performance.

## International law II Mr. Dorsey 3 Hours

This course uses the common law process experimentally for the purpose of development of international law. The materials are fact situations of recent and current international and civil conflict. Students are assigned as counsel for one of the parties in cases such as intervention in the Dominican republic, United Nations in the Congo, the divided Germany problem, and the Southeast Asian conflict. Student counsel are expected to develop theories that will protect the interest of their assigned client and that will provide support for the adoption of new rules of international law that are adequate for the issues underlying social and ideological conflicts. After discussion of the fact situations and possible theories, student counsel will prepare written briefs and make oral arguments before the other members of the class. The written work requirement will consist of a revised brief in the case in which the student has served as counsel and a memorandum in each case in which he serves as a judge. Open to students who have had the International Law I. Material: Dorsey, International Law and Social Change (mimeographed).

## Jurisprudence II Mr. Dorsey 2 Hours

A study of law and social change in industrial and post-industrial societies. The first eight weeks will be devoted to analysis of the role of law in social changes incident to industrialization in Germany, Russia, Great Britain, and the United States. In the remaining nine weeks we will study possible grounds for ordering principles and institutions in the social conditions of post-industrial societies and in contemporary philosophical ideas. Authors whose works will be analyzed in the post-industrial part of the course include C. Wright Mills, Herbert Marcuse, Alvin Toffler, Irwin Thompson, Alain Touraine, George Kateb, B. F. Skinner, Gordon R. Taylor, Bruno Latour, and E. A. Burt. Weekly discussion of assigned reading, with some independent research. Twenty-four hour take-home exam.

Materials: Dorsey, Jurisprudence (mimeographed); a list of assigned books (paperback); reserve books.

## Consumer protection Mr. Greenfield 3 Hours

This course will consider the relationship between the purchaser of goods, services, and credit and the seller of goods, services, and credit. The course in Debtor-Creditor Relations, which focuses primarily on the post-judgment incidents of the debtor-creditor relationship, is not a prerequisite for the course in Consumer Protection, which will focus primarily on the pre-judgment incidents of that relationship. Among the topics to be covered are the terms and regulation of consumer credit; false, deceptive, and oppressive sales practices; oppressive security devices; collection tactics; and debtors' remedies, including private and public remedies, both civil and criminal.

The required texts will be: Kripke, Cases and Materials on Consumer Credit; Uniform Consumer Credit Code; National Consumer Credit; and Possibly one other book.

## Debtor-creditor relations Mr. Greenfield 3 Hours

The first half of this course focuses on the relationship between debtors and creditors, especially the relationship that exists once a creditor has obtained judgment against the debtor. Such incidents of that relationship as execution of judgment, priorities among competing creditors, exemptions, and fraudulent conveyances.

# Search Comm. Searches

by Tish Armstrong

The Search Committee, appointed by Chancellor Danforth to find a new dean for the law school, has been active in the past several weeks.

The Committee, composed of five law professors, three non-law professors and one student, has already interviewed four persons for the position. Those interviewed were W. Burnett Harvey of Indiana University School of Law (presently a visiting professor at Duke

University), Ira Michael Heyman of the University of California School of Law (Berkeley), Arthur Bonfield of the University of Iowa College of Law and Jerome Cohen of Harvard Law School. Soia Mentschikoff of the University of Chicago will be here at the beginning of December to interview.

Diana Taylor, student member of the Committee, said that after meeting with Ms. Mentschikoff, some decision will be made as to whether to interview more persons or make an offer

to one of those already interviewed. Another possibility is that some who have already been interviewed might be brought back.

Ms. Taylor reports that there has been no standard procedure for the interviews. The ideal situation would involve a stay of two days during which time the person being interviewed could meet with Chancellor Danforth, the faculty, students and get to see some of the City of St. Louis.

Ms. Taylor feels that student participation in the selection process has been fairly good so far but would welcome any ideas or suggestions from interested students. She can be reached through her mailbox or in her office, Room 319.

the Bankruptcy Act and attempts to provide an introduction to the structure and an appreciation of the complexity of that statute. Consumer Protection, which focuses on the pre-judgment relationship between debtor and creditor, is not a prerequisite for this course.

The required texts will be: Riesenfeld, Cases and Materials on Creditors' Remedies and Debtors' Protection; Riesenfeld, 1972 Case and Statutory Supplement.

## Natural resources Mr. Gunn 3 Hours

We will cover: the types of interests in oil and gas; state regulation of oil and gas production; rights and obligations of the parties to an oil or gas lease; taxation of income from oil and gas.

Material: Huie, Woodward & Smith, Oil and Gas, 2nd edition 1972.

## Administrative law Mr. Johnson 3 Hours

The Administrative Law course will consist of a detailed study of control of and procedure before administrative agencies. We shall be concerned with the body of requirements resting upon administrative agencies which affect private interests through making rules, adjudicating cases, investigating, prosecuting, publicizing, and advising. Although the focus will be on requirements which are judicially enforceable, and which therefore are the special domain of lawyers, attention will also be directed to aspects of control exercised by members of the legislative and executive branches of the government.

The course will be taught by both the case and problem method. Students will be required to purchase Gellhorn and Byse, Administrative Law Cases and Comments (Fifth Ed.) the casebook supplement, if available, and the problem supplement.

## Social legislation Mr. Johnston 3 Hours

This course will consist of a study of the old-age, survivors, and disability insurance provisions of the Social Security Act, unemployment compensation, public assistance programs, "war on poverty programs", and medicare legislation. The course is open to social work students.

The course will be taught by the case method. Students will be required to purchase Levy, Lewis and Martin, Social Welfare and the Individual.

### classroom procedures (For Administrative Law and Social Legislation)

1. Students will not be permitted to enter the classroom after the class begins.
2. Attendance in class is mandatory. Any student accumulating more than six absences, whatever the reason, will be dropped from the course.
3. Full preparation in writing is mandatory. All material assigned must be briefed or abstracted in writing. This includes major cases, note cases, problems, statutes, regulations, and any other assigned material of whatever nature. (In Administrative Law 32 problems will be assigned during the course of the semester. Students will be required to prepare detailed answers to these problems in writing. While the problems are keyed to the casebook material, in some instances limited research will be necessary to answer the problems.) A student must do his own work. Hence, commercial or "canned" briefs or outlines will not suffice to meet this requirement. The sanction for the first offense is exclusion from class for the remainder of that class period and the satisfactory completion of such additional work as might be assigned. On the second offense, the student will be dropped from the course. (It is recognized that on occasions students may be unprepared for reasons consistent with their responsibilities as law students. On such occasions the student should see me before class for permission to attend without penalty.)
4. I reserve the right to change these rules (prospectively) should I deem it necessary.

## Commercial law II Mr. Jones 3 Hours

We will concentrate on Article 9 (Secured Transactions) of the Uniform Commercial Code.

Material: S. Mentschikoff, Commercial Transactions Cases and Materials; 1972 Official Text of the Uniform Commercial Code (paperback).

## Comparative law Mr. Jones 3 Hours

A comparative and historical study of obligation law from its development in Rome and adoption in France and Germany. There will be some comparisons with both Anglo-American and traditional Chinese law.

## Urban legal techniques Mr. Mandelker 3 Hours

We will finish my casebook, concentrating especially on inner city housing and urban renewal problems, and on planning and zoning. There will be special supplements on relocation and on exclusionary zoning.

Teaching methods and classroom procedures: Variable. However,

## Corrections: minority hiring is a must

WASHINGTON, D.C., November 10 — Hiring more personnel from minority groups to work at all levels in the nation's prisons was called a "must" today by the American Bar Association's Commission on Correctional Facilities and Services.

While noting that other professional and public interest groups have expressed similar positions, the ABA Commission said that "responsible government leaders" should renew and intensify their efforts "as a correctional reform must."

The Commission's call for more minority hiring of prison personnel was contained in a newly published booklet outlining the scope of the recruitment situation in recent years. The publication also highlights programs by the U.S. Bureau of Prisons, as well as Illinois, California and South Carolina, which are designed to bring more minority persons into the corrections labor force.

According to the Commission booklet, the four recruitment programs were launched by progressive directors of corrections. According to the booklet, "they typify the insights and flexibility demanded of the modern correctional administrator and of departments seeking to keep abreast of the difficult demands, new pressures, and changing circumstances confronting correctional systems."

Former New Jersey Governor, Richard J. Hughes, Commission chairman, said he hoped the programs outlined in the brochure will activate others in minority corrections recruitment across the country.

Citing available statistics on prison employees at the state level, the Commission stated that broader minority participation in the corrections field is "an indispensable ingredient for balance, effectiveness and public confidence in our correctional machinery..." It said that minority representation on correctional staffs is not in adequate proportion to the number of minority inmates.

Copies of the 12-page booklet are available from the ABA Commission on Correctional Facilities and Services, 1705 DeSales Street, N.W., Washington, D.C. 20036.

The 23-member ABA Commission was started in 1970 as an interdisciplinary group to spearhead Bar efforts to improve correctional systems. Its program development activities are funded by the Ford Foun-



# Moot Court: a new tradition

A new tradition was born this November when the Missouri Supreme Court Judges came down from Jefferson City to judge the finals of the Wiley Rutledge Intramural Moot Court Competition. After a luncheon with the judges and participants at Cheshire Inn, the entire party prepared for the arguments.

The intramural argument was heard first, and while the intramural scores were being computed, the national moot court team presented its argument. Over 100 persons were present in the audience throughout the arguments.

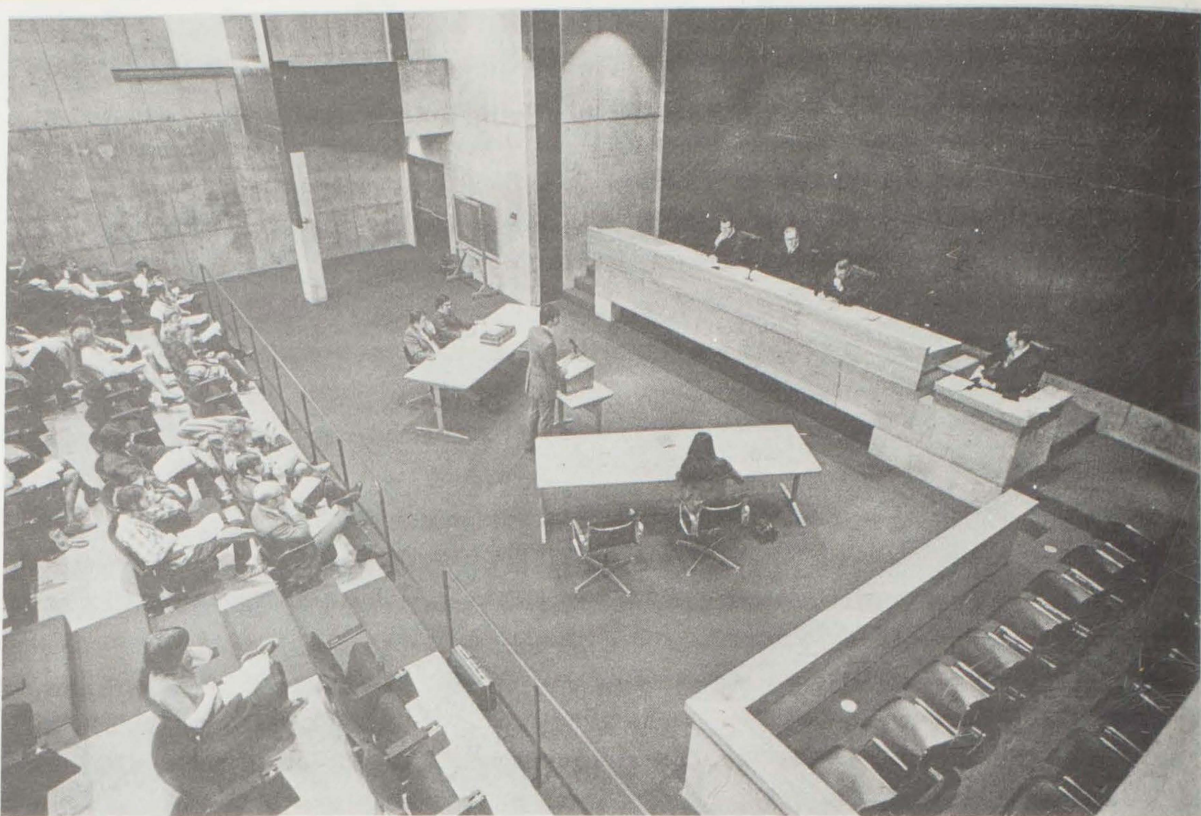
Dan Austin and Dave Adamson won the intramural competition. They also won awards for the best brief.

Andrea Grant and Mike Lax tied for best oralist and they comprised the runner-up to

Hiram Lesar, past Dean of the Law School, presented the awards.

Preparations are being made for the Spring contest which is scheduled to be held in early March. Judges from the United States Eighth Circuit Court of Appeals will sit for the final oral arguments in that contest.

The Charles Nagel International Moot Court Competition will soon begin its second year. The problem for argument this year concerns the fishing rights of a developing nation. A fishing vessel belonging to a developed nation is seized with 200 miles of the coast of a developing nation but outside the traditional territorial waters. A similar case is now before the International Court of Justice.



Judges heard student arguments

## Delta Theta Phi

On October 6, Art Smith spoke to first year students and members of the fraternity on "study habits." Art is logically considered an expert in this area because he graduated two years ago with the highest average ever attained at Washington University Law School.

On October 13, Judge William Crandall of the Eighth Circuit Magistrates Court spoke on "civil suits in magistrates courts."

Charles Scarborough spoke on white collar crime and compensation for victims of criminal acts at a fraternity dinner on November 17. Mr. Scarborough is Executive Assistant to Gene McNary, County Prosecutor, and Director of Special Services for the County Prosecutor's Office. The well-attended dinner was held at John Henry's in Northwest Plaza, and it was only the first of several dinners scheduled to be held this year.

The deadline for applications to this year's pledge class is December 18, 1972. Applications may be obtained from Rich Doerr (741-9932) or Joe Derque (894-2847). Completed applications should be placed in the "D" mailbox.

members of the Missouri Restaurant Association or were restaurant owners.

The proposed ordinance is based on a model food service ordinance developed after exhaustive research by the United States Public Health Service, and clearly represents an improvement over the city ordinance now in force. But in two important respects—the abolition of the publicly posted A.B.C. grades and the establishment of a food industry dominated Advisory Council—the proposed bill may weaken the enforcement of health and sanitation standards in the city's restaurants.

Board bill 176 would establish a comprehensive demerit system far more refined than the present law and abolish the A.B.C. grades which are now posted near restaurant entrances, and replace them with a sticker merely stating that a restaurant is licensed and is periodically inspected.

The intent is to inform the consumer of the extent to which the restaurants they patronize are complying with the city's sanitation standards.

The existing grading system has been criticized for being misleading in some cases, too subjective in others, and for including standards, such as building construction requirements, which are only remotely related to sanitary conditions. The proposed demerit system would provide the public with this needed information. The model ordinance developed by the U.S. Public Health Service contains a suggested restaurant grading system that is compatible with the proposed ordinance.

Board bill 176 attempts to remedy a problem with existing

## ABA announces mock law office competition

The Law Student Division commencing with the 1972-73 academic year will officially sponsor the Mock Law Office Competition. This law student competition was started in 1969 by Professor Louis M. Brown of the University of Southern California Law Center. The emphasis of the competition is on the development of lawyering skills applicable in the area where the majority of legal decisions are made—the law office. The 1972-73 competition will emphasize business planning. Each law school student team enters regional competitions and the regional winners compete in the national competition. The regions will be determined by the locations and number of entering schools. Entry deadline is December 22, 1972! The national finals will be held in April, 1973. Prizes are awarded by the Emil Brown Fund.

The competition offers to students the opportunity to engage in consultations with clients in situations which approximate real life experiences of law office practice. Each participating school may conduct its own intra-school competition. In some law schools

the exercise is part of the work required in courses concerning lawyer/client relationships.

In addition to the consultation itself, usually thirty minutes duration, the students are required to submit a written pre-consultation memo and after the consultation is concluded an internal law office memo is dictated.

Two articles have been published providing information on the contest.

Brown and Bonanno, Mock Law Office Competition, A Description and an Invitation, 15 *Student Lawyer Journal* 24 (February 1970).

Brown, From Preventive Law to Mock Law Office Competition, 51 *Oregon L. Rev.* 343-350 (1972).

The competition will in the future be administered by the Law Student Division with Louis M. Brown, who initiated the competition, as advisor. Write for further information, including application for admission, rules, standards for judging, to: Client Counseling Competition Law Student Division American Bar Association 1155 East 60th Street Chicago, Illinois 60637

Arrangements are being made for distribution of problem situations used in past consultations, including the confidential memoranda to clients. If demand warrants, arrangements may be made for borrowing, or purchasing, video tapes of consultations in prior competitions.

Dates for the regional and national finals will be announced early in January. Further information on the contest can be obtained from any member of the Advocate staff.

## Ordinance would abolish restaurant grades

The Missouri Public Interest Research Group charged today that the restaurant inspection ordinance for the City of St. Louis, which will be put before the Board of Aldermen for final approval this Friday, may weaken effective enforcement of sanitation standards in the city's restaurants.

The ordinance will, abolish the A, B, C, grades which are now posted near restaurant entrances, and replace them with a sticker merely stating that the restaurants are licensed and are periodically inspected.

In a letter mailed to members of the Board of Aldermen Wednesday night, Robert J. Domrese, Executive Director of the Research Group stated that "consumers have a right to know the extent to which the restaurants they patronize are complying with the city's sanitation standards."

"Instead of improving the system of publicly posting restaurant grades to give consumers useful information about sanitary conditions in restaurants," the letter said, "the proposed ordinance would eliminate such grades altogether."

The proposed ordinance will also establish a Food Service Advisory Council to the Health Division in which food industry representatives outnumber consumers four to one.

The Research Group letter asked the Board of Aldermen to adopt amendments requiring restaurant grades to be publicly displayed and providing consumer representation on the Advisory Council equal to industry representation.

The ordinance was introduced September 29. At the only hearing held on the ordinance, two witnesses appeared for the Health Division,

## Family Law Contest

CHICAGO — Junior and senior year law students have until next April 16 to enter the Howard C. Schwab Memorial Award Essay Contest in the field of family law.

The contest is sponsored by the American Bar Association's Family Law Section in cooperation with the Toledo and Ohio Bar Associations.

Contestants may write on any aspect of family law. Suggested length is about 3,000 words. Essays which have been or are scheduled to be published are ineligible for consideration.

First, second and third place winners will receive cash awards of \$500, \$300 and \$200 respectively. The winners will be announced and the prizes awarded during the Family Law Section's 1973 annual meeting next August in Washington, D.C.

The contest is intended to create a greater interest in the field of family law among U.S. law students, particularly members of the ABA Law Student Division. All junior and senior-year students enrolled in ABA-approved law schools are eligible, except employees of the Toledo, Ohio or American Bar Associations.

The contest is named for the late Howard C. Schwab, chairman-elect of the ABA Family Law Section at the time of his death in 1969. He also was a past president of the Toledo Bar Association and past chairman of the Ohio Bar Association's Family Law Committee.

Law students who wish to enter the contest should request an entry form from: Division of Legal Practice and Education, Howard C. Schwab Memorial Award Essay Contest, ABA Section of Family Law, American Bar Center, 1155 East 60th St., Chicago, Ill. 60637.

## Military Law Project needs your help

The Military Law Project has expanded dramatically in the past year, and it is presently soliciting application from law students (all years) and legal workers to participate.

Work in the Project includes: preparation of briefs for argument in U.S. Courts of Appeal, trial memoranda in U.S. District Courts and State Courts and general legal research; record searches, record analysis and recommendations for change of military discharges; and military counseling. Hours vary according to the caseload and the requirements of each case.

Instead of improving the system of publicly posting restaurant grades to give consumers useful information about sanitary conditions in restaurants, the proposal would eliminate such grades altogether.

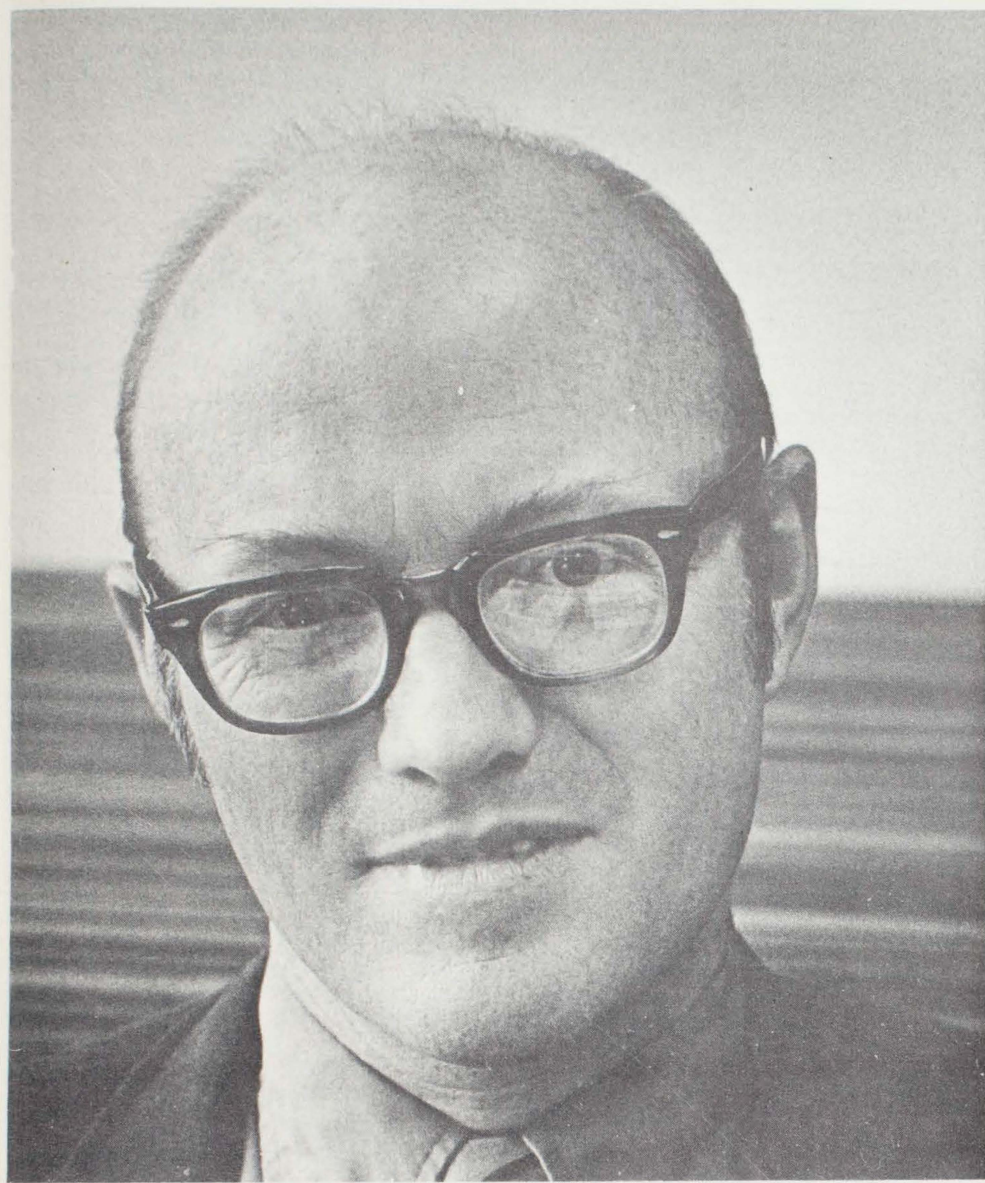
The amendment incorporates a system of publicly displayed

The Project works in conjunction with St. Louis Attorney Frank Ruppert. This year the Project wrote the winning brief in *Kemp v. Bradley*, 457 F.2d 627, and presently has a second case before the Eighth Circuit. In addition, requests from all over the country for assistance in the change of discharges has increased the scope and responsibility of the Project.

If you are interested in joining the Project, contact Toby Hollander, Mike Plummer, Dan Babarik or Don Swenson or come to Room 409.

on the demerit system contained in Board bill 176 and following the Public Health Service suggestions. The proposal will exclude construction standards as a determinant of grades to remedy the problem with the present law, and would only reflect standards of sanitation and cleanliness.





**"a temporary polarization"**

## Heyman not interested

Michael Heyman, Professor of Law at the University of California at Berkeley, visited Washington University on February 2-3. However, within a week he notified Chancellor Danforth that he was not interested in the Deanship of the Law School.

Heyman cited three reasons for his position. First, he wants to pursue his work in land planning law. Secondly, at this point in his career he does not want to make the transition from professor to administrator. Finally, he does not want to leave California and the Berkeley campus.

No offer was actually made, and the Chancellor has decided not to treat Heyman's position as a firm rejection. According to Vice Chancellor Lattie Coor, the administration is attempting "in all earnest" to get Heyman to reconsider. Dr. Coor said that a decision would be reached on or about March 1 as to whether Heyman's position will be treated as a firm "no."

As to the status of the Search Committee, which has not met since last semester, Dr. Coor stated that one of the

"alternatives" currently being considered is a reconvention of the Committee within the next few weeks. Dr. Coor agreed that it is a little late to find a permanent Dean for next year but expressed confidence that Heyman would be persuaded to return to Washington University. The Administration has at least made it clear to him that he (Heyman) would have all the necessary support in the way of salary and funds for the library and new faculty.

Student reaction to Heyman's visit was generally positive. He met with a small body of student representatives and addressed a larger group of the student body assembled in the courtroom. Many students were particularly impressed with his philosophy which included a willingness to respond affirmatively to the students' desire to have a clinical law program.

Professor Jerome Cohen of Harvard Law School has declined to visit Washington University, and although the administration has not given up, it is not pursuing the matter, according to Dr. Coor.

## Doster resigns; Advocate plans reorganization

Mike Doster, Editor-in-Chief of the law school newspaper, has announced his intention to resign following the publication of the first issue this semester due to "other commitments and personal matters." Prior to announcing his resignation, Doster had approached the Student Bar Association and requested that the SBA assist him in insuring that The Advocate would continue to be published.

The SBA responded by establishing an ad hoc committee to study the problem. Under the chairmanship of Don Tye, freshman law student, the

committee conducted a short publicity campaign which netted a relatively large number of students interested in publishing a law school newspaper.

An organizational meeting was held Wednesday evening, February 28, and selection of a new editor, funding, division of labor and possible formats for the newspaper were discussed.

Any students who are interested in participating in any way on the law school newspaper are invited to contact Mike Doster via his mailbox or phone (962-2880).

# Mills resigns faculty splits over curriculum

Lewis R. Mills resigned from his post of Acting Dean Thursday, February 22, as a result of a faculty split over curriculum at a meeting the previous evening—a split that was termed a "palace revolt" by one faculty member. According to Mills, his memorandum proposing a "system of measuring curriculum costs" precipitated the split.

The proposal consisted of a list of 37 courses which Mills believed "ought to be offered to second and third year students as a 'core' curriculum." Insurance, Law of Communist Nations, Natural Resources and Regulated Industries would have been eliminated. Only one semester each of International Law, Labor Law and Jurisprudence would have been offered. In addition, UCC II and Debtor-Creditor would have been combined and Land Transactions would have been "transferred" to a new course in Land Finance.

One professor saw the proposed curriculum as a "personal attack," while another viewed it as a limitation of "academic freedom." Mills described the basis of the split as basically a difference of "values." He believes that certain "fringe" courses such as Law of Communist Nations are expendable in the context of a manpower shortage when more important courses like Trusts and Estates should be included in the curriculum. On the other hand, Mills said that certain faculty members believed that a professor who spends a long period of time preparing to teach a particular course should not be expected to give up that course.

These differences resulted in the passage of four resolutions, which not only restricted his ability to function as Dean but produced what Mills called a "temporary polarization" of the faculty. As a result of these developments, Mills resigned.

The first resolution stated simply that there will be a clinical law course offered beginning next year. Mills said that it was generally understood that the course would be offered for credit.

Mills asserted that the second resolution in effect meant that the Dean does not have the power to reassign teaching loads in order to correct "imbalances" in the curriculum. This resolution termed the Memorandum of February 13 "wholly inappropriate."

The third resolution dealt with visiting faculty. It essentially states that a visitor in a field already occupied by a current faculty member shall not

displace that faculty member. Mills said that this means two professors will be teaching Labor Law next year.

Pursuant to the fourth resolution, the faculty will begin in the near future to consider, as a committee of the whole, long-range curriculum changes using the "Carrington Report" (A Report of the Curriculum Project Committee of the AALS—A Summary of the report will be provided in the next issue of The Advocate.) as a starting point.

On Friday, February 23, the SBA held a meeting in the courtroom in order to dispel or confirm numerous rumors which had been circulating throughout the student body since the faculty meeting. Although the stated purpose of the meeting was to elicit facts surrounding Mills' resignation, the meeting developed into a debate between the opposing factions of the faculty. Mills and Professor Gerard represented the proponents of the Memorandum, and Professors Bernstein and Mandelker represented the opponents.

Professor Gerard emphasized that a majority of the faculty members who voted for the clinical law resolution were the same people who voted down a clinical law program last year because they would not accept the condition that the Dean would have the power to direct a faculty member to conduct it in the absence of a volunteer. Gerard indicated that this action made the present commitment to a clinical program questionable.

Professor Bernstein, on the other hand, viewed the fourth resolution as the most significant. He stressed the need for the law school to "modernize" and innovate so that both students and faculty could enjoy and take an interest in their law school work. According to Bernstein, the important point of the clinical law resolution is that we are "going to have the best clinical law program we can possibly have; it may not be the best in the world, and it may be the worst. The important thing is that we are going to try it—we are going to innovate and experiment."

## Acting Dean is named

Edward T. Foote, Vice-Chancellor & General Counsel of Washington University has been named Acting Dean of the Law School, replacing Lewis R. Mills who resigned February 22.

## Women's group formed

by Tish Armstrong

In the past month, a women's group has been formed in the law school and has begun work on specific projects.

The purpose of the group, as seen by Rochelle Golub, a first year student, is "to create in women in the law school an outlet for doing work relevant to themselves and relevant to the community at large." About thirty-five women have become actively involved in the work of the group.

The group has no formal organization but centers around several projects in which the members have expressed interest. Some projects concern activities with the law school such as sending letters to women who have expressed an interest in Washington University and preparing an outline and research aimed at the introduction of a women's law course or seminar. There is also interest in creating a library of resource

material dealing with women's problems.

Committees concerned with matters outside the law school are researching abortion, pro se divorce and the status of women in Missouri. Several women are investigating possible actions in support of the Equal Rights Amendment. Projects in conjunction with legal aid and the Juvenile Law Institute are also getting attention.

When asked whether men would be welcomed into the group, Nancy Saul said that the women had decided to limit active membership to women because "implicit in a women's group is a sense of community; as the group intends to concentrate on women's issues, women should be the persons involved since they have the most at stake."

Ms. Golub and Ms. Saul emphasized that all projects are open, and all women are invited to join the group. Meetings are held on Wednesdays.



# Editorials

## Clinical Law

### V.

## Graduate Courses

As you are probably aware, there exists the possibility of enriching your law experience by taking up to six hours of classes in graduate schools outside the law school. To do so requires the permission of the Dean, but that is only a perfunctory requirement. It turns out that the requirements of most of the courses are perfunctory also. In fact, most are no more rigorous than courses taken by college athletes to maintain their eligibility.

For example, examine Marriage Counseling 569 which is supposed to teach the techniques of counseling: the only requirement for receiving a passing grade is to attend the class, although in fact, no one flunks. Three hours of credit are given for two hours of class per week; oh yes, a paper is required, but there are no minimum length or substance requirements.

There are courses of similar stringency offered by the History, Political Science and other Departments. While there are graduate courses of real educational value taken by a few students, most of those enrolled in by occupants of Mudd Hall are more widely reputed for their ease of passage than their qualitative content.

However, the law students are not to be faulted for easing their scholastic burdens in this manner. They are the beneficiaries of a faculty oversight which is nothing short of ridiculous. Faculty and administration personnel often remind us of the quality education we receive while having the audacity to perpetuate this outrage.

It is not my intention to call for the abolition of this policy, but rather to point up the fallacy of another oft-repeated faculty disphemism, i.e., that there cannot be a clinical program because there is not a sufficient amount of money or personnel to operate it "properly." It is further proclaimed that anything short of that effort would be of no real value. Of what real value is Marriage Counseling 569?

I contend a clinical program which allows students some acquaintance with what a lawyer actually does is preferable to six hours of credit for courses from which the student gains nothing. One method of providing credit for clinical experience would be to give credit to those students who have law-related employment. At least there could be no objection that the students were getting credit for doing nothing—paychecks would be prima facie evidence of work done.

To carry this one step further, why not work out a program of cooperation between various members of the Bar and the Law School where students would work for credit (up to six hours) but not necessarily for pay. Special priority could be given to lawyers or firms that do pro bono or poverty work. It should not be difficult to establish basic standards which would make the program effective.

As for the omnipresent objection that students will learn bad habits and shoddy practices in the program, in most cases, they will be exposed to them as soon as they graduate, or sooner, if they work part-time while in school. Their ability to differentiate good and bad is not really a factor which is modified by graduation. Moreover, by allowing enrollment in classes without any substance, the faculty has provided an example of encouraging "shoddy practice" rather than avoiding it.

AF

# The Honor Council

## Advance Sheet

Advisory Opinion No. 1-73

Per Curiam,

Upon stipulation of parties three complaints were caused to be filed with this Council containing similar questions of law and fact. By hearing these complaints were consolidated and are the object of this opinion. We note advisory jurisdiction. Article III (b) (2), Honor Code of 1970.

The following facts are representative of the complaints filed. During the fall semester of 1972 senior law students were required to enroll in a course entitled, "Business Planning and Drafting". As the number of third year students is rather large the course was divided into sections with an instructor assigned to each group. The instant case involves the alleged activities of five students in one such group.

The instructor of this particular section issued on the first day of class a Memorandum to his students outlining his policies with respect to attendance, performance in class, grading by number, and the use of formbooks and other aids, the latter of which is in issue before this Council. The Memorandum, under the heading, "Formbooks and Other Aids", states in part:

...I also encourage you to work on problems with your classmates. It is permissible to discuss the problem with a classmate and to have a classmate read over your solution for purposes of making suggestions. It is not permissible to work on the actual drafting together. Therefore, before swapping papers for purposes of obtaining suggestions, both should have completed at least a draft of the assignment.

On the force of this provision the professor, in viewing the last or fourth required problem, felt he noticed similarities in some of his students papers and hence, these complaints.

The problem presented is a formidable one which we feel should receive our undue consideration. It should be noted that the complaints were modified by the injection of circumstance that each student "completed at least a draft of the assignment" before exchanging papers for the purposes of suggestions. As no contrary fact was submitted on this point we shall accept the modification in the form of stipulation. This being the case it is evident that the alleged violations were not violations at all, but rather are within the confines of the policy of the instructor.

But our inquiry can not stop here. It is shown by the exhibits presented that portions of each students' paper are somewhat similar in phraseology and that a few sentences are identical. On its face this evidence would appear to readily admit of a violation of the instructor's policies and consequently of the Honor Code. But in light of our holding such is not the case.

The exhibits which were submitted before this Council were the final drafts and were the students' final copies on which they were to receive their grades. Therefore, in accordance with the professor's Memorandum, first drafts were completed, discussion with fellow classmates was held and the final draft was then finished for submission. If we take this as bearing some validity, it appears evident that between the first draft and the final draft the determination of whose work is part and parcel of the finished product becomes blurred at best. It is contended that each group of accused students plagiarized the work of a third student. Even assuming for the moment that a third person was involved at all, (complainant filed no evidence on this point except a statement of his own belief), the haze is still not lifted from the final determination of whose work the answer to the problem consists of. This is not to say that students who actively participate in discussions with their classmates cannot produce their own work-product, but rather that the determination of fault or blame under the present circumstances is not discernable where there do exist some similarities.

This is not a strutting revelation on our part for it is a well recognized fact that in everyday occurrences the suggestions of two or more parties, being discussed and accepted as solutions to a problem, acquire a greater certainty of ending up in the product of each.

We are supported in our holding by the proscribed conduct provisions in Article VI of the Honor Code of 1970. Article VI (c) entitled, "Student Work" states:

(1) Policies.

(i) A student may use whatever manner of preparation he deems necessary to adequately prepare himself for class unless such method is specifically disallowed by a professor.

(ii) All written work to be turned in by a student...professors for...regular classes shall be the product of the student's own

(Continued on page 3)

time jobs. As the Placement Office becomes better known in the legal community one can expect it to become a greater source of information.

Before the reader decides to forget the whole thing, he should realize that the Placement office is asking for student feedback in order to improve its services. The status reports serve a dual purpose. They are designed in part to provide Dean Cronin with an idea of how successful or unsuccessful the members of the soon-to-be-graduating class have been in finding gainful employment. More importantly, she is asking students to offer suggestions on how the Placement Office could be more beneficial to all of the students. In other words, all seniors have the opportunity to supplement any complaints with suggestions.

The crib sheets are the means of accumulating information for future use by the student body. The information obtained will hopefully give some insight into the expectations and requirements of the firms and corporations currently interviewing.

Therefore, even if most students are not willing to heap praise on the accomplishments of the Placement Office, they should recognize the positive efforts and accomplishments of the Office Staff and cooperate in the effort to provide better placement services.

# Number of

## freshman

## students

## down

The American Bar Association has reported that enrollment of first-year (freshman) students in the 149 ABA approved law schools dropped this year by 2.9%, despite an increase of 7.7% in overall law school enrollment.

However, the decrease did not apply to women first-year law students, whose number increased 27.3% from 4,326 to 5,508 this year. The total number of women law students rose by 35.9% from 8,914 in 1971 to 12,172 this fall.

Total enrollment in law schools approved by the ABA jumped from 94,468 last year to 101,664 this fall. This was due largely to a 26.3% increase in the size of the third-year class, from 22,404 in 1971 to 28,311 this year. When admitted in 1970, this class hiked law school enrollment by 20%, the first indication of the recent surge of interest in law as a profession among students throughout the country.

The decrease in first-year enrollment, from 36,171 in 1971 to 35,131 this fall, does not indicate waning student interest in the law, according to University of Texas Law Professor Millard H. Ruud, consultant on legal education to the ABA.

He explained that record increases in the number of first-year students admitted during the past two years have now resulted in higher enrollment levels among second and third-year students, accounting for the 7.7% increase in total enrollment. To prevent further overcrowding, he said, many law schools have found it necessary to accept fewer incoming students than last year.

"Most of these schools reported that in the last year or two they had intentionally or inadvertently admitted a larger than normal entering class," he said. "To hold the total enrollment at a number that could be adequately served by the present full-time faculty and law school facilities, this year's entering class was reduced in size."

The decrease is even more significant, he added, if the two law schools approved since last year are not counted. If the 586 students enrolled in these two schools are excluded, the 147 law schools approved as of last year have decreased their first-year enrollment by 1,626 or 4.5%.

"This occurred at a time when the demand for legal education, as measured by administrations of the Law School Admission Test, was increasing by nearly 12%," Professor Ruud said.

Only two law schools reported "unfilled seats" this year, totalling 27. In 1970 there were 659 unfilled seats reported, and last year 87.

Professor Ruud said statistics for schools not approved by the ABA are incomplete. However, he added, "the unapproved schools have been the beneficiaries of the inability of approved schools to accommodate the further increases in demand for legal education."

**Justice Douglas**  
**Graham Chapel**  
**April 25**

BB

# Seniors should cooperate

## with placement

In the past year the Law students of Washington U. have had the benefit of information provided by the Law School Placement Office. Dean Cronin of that office is currently requesting the members of the Senior Class to aid her office in supplementing the files of prospective employers. At the beginning of this semester, Dean Cronin distributed among the students of the Senior Class a "status report" and several "crib sheets." To date the response has been disappointing to say the least.

Assuming the general attitude to this request has ranged from indifference to irritation, one can only urge the reader to examine the accomplishments of the Placement Office before he decides to ignore the whole affair. Second and third year students should remember that for the first time in the history of the law school (this is admittedly an undocumented fact) there has been an organized effort to disseminate job information to the student body as well as an effort to inform prospective employers that there is a Washington University Law School.

Until last spring, possibly less than half of the student body knew how to draft a concise, readable and informative resuem. Seniors should recall that information regarding interviews, coverletters and general job hunting was available to the class last fall when it was needed. Those who recall the hit and miss posint of job information of the past should be at least mildly grateful for the current practice of posint information on both summer and full

the advocate



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Managing Editor .....Al Frost  
Articles Editor .....Bill Berry



# SBA proposed constitution

## I. Name

The name of this organization shall be the Student Bar Association of Washington University School of Law (SBA).

## II. Purpose & Duties

### A. Purpose

It shall be the purpose of the SBA to represent and protect the interests of the students of the law school in all areas of concern dealing with legal education. The SBA shall serve as a liaison between students and faculty and shall take timely and appropriate action upon all complaints, inquiries and recommendations made by the students. It shall be the policy of the SBA to work as closely as possible with the faculty and administration to further all valid interests of the law school. However, the SBA shall owe ultimate consideration and loyalty to the students of the law school and shall not abdicate that responsibility.

### B. Duties

1. Any fees to be assessed on the students must be approved by a two-thirds (2/3) majority of the students voting.

2. The officers of the SBA shall be responsible for holding any referendum on proposed amendments to the Honor Code of this law school.

## III. General Election Procedure

### A. SBA Election

1. The SBA election shall be held during the fourth week of the Fall semester.

2. Each class is entitled to the number of representatives equal to four percent (4%) of its enrollment.

3. Each student is allowed one vote for every SBA representative that his class is entitled to elect, that is, no cumulative or fractional voting.

4. The term for each representative shall be one year.

5. A simple declaration of candidacy shall be sufficient to place a student's name on the ballot. In addition, write-in spaces shall be provided.

### B. Honor Council Election

1. The Honor Council election shall be held in conjunction with the SBA election (during the fourth week of the Fall semester).

2. The officers of the SBA shall be responsible for holding the Honor Council election.

## IV. Election of SBA Officers

A. There shall be an election of officers to one year terms at the first meeting of the newly-elected SBA. The officers shall be chosen from the body of representatives.

### B. The representatives shall elect:

1. President - Executive officer of the SBA.

2. Vice President - Ex Officio member of all committees.

3. Secretary - Responsible for taking the minutes and keeping the students posted of all SBA matters.

4. Treasurer - Responsible for all finances, including the Book Mart. (This should not be construed to mean that he must be chairman of the Book Mart Committee).

## V. Procedural Rules

A. For purposes of these procedural rules, all officers shall be regarded as representatives.

B. All regularly-scheduled meetings shall be open and publicized in advance, and held at least bi-weekly.

C. A quorum shall be fifty-one percent (51%) of the representatives.

D. A majority of those present and voting is required for the passage of any motion.

E. All motions shall be voted on by a show of hands of the representatives.

F. The SBA shall institute such standing and ad hoc committees as it deems necessary.

G. Any representative who is absent from three (3) or more consecutive regularly-scheduled SBA meetings may, by a two-thirds (2/3) majority of the entire SBA, have his position declared vacant.

H. For any and all vacancies that occur, the SBA shall elect a student representative from the same class as that in which the vacancy has occurred, to fill the remainder of that term. If the vacancy is that of an officer, then the SBA shall elect a representative to fill the remainder of that officer's term.

VI. Amendment Procedure - A two-thirds (2/3) majority of the students voting is required to amend this constitution.

VII. Ratification Procedure - A two-thirds (2/3) majority of the students voting is required to ratify this constitution.

## Advisory opinion

(From page 2)

diligence unless otherwise specified by the professor... (Emphasis supplied).

We are not implying here that the professor allowed plagiarism but merely that he permitted discussion thereby recognizing the assimilation of ideas and suggestions of other students into a particular student's work. Therefore, even though discussion creates similarities, the product is that of the individual student's work.

In a similar vein, Article VI (c) (2) states in part:

(2) Violations.

(i)...

(ii) It shall be deemed a violation of the Honor Code for a student to turn in any required written work as his own knowing such work to have been prepared by another student or copy substantially in toto from source. (Emphasis supplied).

We find that there was no intent or knowledge on the part of these students to turn in their work knowing it to be that of another's. In addition, the similarities noted above are not what we consider to be "copying substantially in toto."

In view of these facts and in conjunction with the professor's encouragement of problem discussion we hold that in the situation given these students are free of any violations complained of.

It behooves us to extrapolate one step further and examine the actual activities of the senior law students with respect to this

# Judge discusses contempt at advocacy seminar

by Renee Sacks

summary contempt

(Editor's note: this article is reprinted from the December 19, 1972, issue of the New York Law School newspaper, Equitas; the informative article should prove to be interesting and useful.)

Judge Timothy Murphy of the Superior Court of the District of Columbia and Jay Schwartz, a criminal lawyer from Racine, Wisconsin, discussed the dramatic rise in the number of attorneys cited for contempt in recent years at the Fifth Annual Criminal Advocacy Seminar which was held here in New York in November.

Judge Murphy discussed contempt from the judges' point of view. He cautioned his audience to remember that they were dealing with a basically irascible group of people.

Most judges got to be judges because they were active in political life or active trial lawyers. Judges come from the same background as the lawyers in front of them, but now they can't play.

Once a lawyer who thought on his feet, a judge is now required to think sitting down. The transition isn't easy for many judges.

A lawyer turned judge is faced with the incredible boredom of being a judge. Murphy commented, a little sadly. He has to listen to the same speakers make the same speeches; an active person, now he isn't allowed to interfere. He has to impose minimum sanctions. He has to endure obnoxiousness.

You have some power over the prosecution, but no power at all over the 'nomad' lawyer in political cases. You also have some power over court-appointed attorneys.

But if a judge is to maintain order, he has to have power to maintain orderly process. Abuse meant that a judge's inherent contempt power has been limited by statute.

The Berger case, the judge noted, says that counsel can strike hard and fair blows, and the Delinger case that counsel can be obnoxious without being in contempt.

These standards are minefields for defense lawyers, Murphy asserted. They can be defined any way the appellate court wants to. What is obnoxious to one judge is contempt to another.

If the attorney is cited for summary contempt, the judge must certify the record. He must specify the act that made it necessary for him to take immediate steps, otherwise, the contempt will be reversed. A lawyer can get another judge to preside at his contempt hearing if he can show that the judge became personally embroiled in the controversy or was in an adversary position.

If the judge waits, the attorney has a good chance of having it heard by someone else since order is not a question here.

Judge Murphy said that having another judge hear the contempt was a mixed blessing. A chief judge, could assign his meanest judge to hear all the contempt cases he pointed out. Also, judges tend to stick together because they never know when their positions are going to be reversed, and a contempt hearing from their courtroom would be heard in front of the judge in whose courtroom the question arose.

The ABA wants a grievance committee to deal with contempt questions. The record along with a letter would be sent to the committee. Judge Murphy felt that in many cases the sanctions imposed by the ABA would be stiffer than those imposed presently.

Judge Murphy urged all attorneys to have with them in the courtroom at all times, the ABA standards for judges.

## contempt: a defense attorney's view

Jay Schwartz, a criminal lawyer from Racine, Wisconsin presented another view of contempt.

Criminal lawyers are not representative of the mainstream, Schwartz began. Judges resent you. You tend to get identified with the interest of your client. You're a panther lawyer, a 'gay' lawyer, a 'junky' lawyer.

A criminal attorney may point out that the way a jury is empanelled is a denial of due process, and the judge will take umbrage and cite him for contempt. Mr. Schwartz pointed out that civil lawyers are rarely held in contempt. He supposed judges were reluctant to take on most big firms. Prosecutors, too, are rarely cited.

Frequently, the criminal lawyer's problem, Schwartz asserted, is not his behavior in

court. The judge may not like the way the lawyer is dealing with witnesses who are part of the town's establishment. He may not like the fact that the cop is lying, the witness telling the truth.

## what if you are cited?

If it's a "one-shot" incident and the lawyer is defending traditional clients, he should go talk to the judge when the latter cools off and apologize.

If, however, the attorney is a controversial person, he can't afford admission of actual contempt, because the rest of the bar doesn't understand the abuse of contempt power. If you are cited, Schwartz warned, don't be your own lawyer.

Ask yourself what results you want, Schwartz advised. Are you working for an appellate record or do you want to try to get your client off on a trial level?

Most people charged with crimes, he noted wryly, were not as enthusiastic about reforming the American criminal justice system as they were in being acquitted.

A judge must tell a lawyer whether he's in civil contempt (interfering with the rights of other parties) or criminal (interfering with the rights of the court).

If the attorney does decide to make a record, he must attempt to make the judge a prosecutor and have it show in every line.

Schwartz agrees with Judge Murphy that asking for another judge wasn't the answer because the judge has to back up his friends.

Other reasons for the rise in the number of attorneys cited for contempt that Schwartz discussed were the rise in the number of unpopular causes handled by lawyers which threatened and antagonized the establishment judges.

There was also what Schwartz called the "image problem" of the court.

Judges are like other minority groups, he asserted. They go to conventions, and they run their courtrooms and handle obstreperous lawyers. The judge feels that unless he has an obstreperous lawyer, he's out of it.

So, many judges, looking for contemptuous behavior on the lawyers, are more prone to interpret vigorous defense as contempt.

Judges become very upset if the defense attorney interferes with the calendar, but acts of contempt go to the heart of the respect the court is entitled to, not just messing up the calendar.

Both Judge Murphy and Attorney Schwartz agreed that it was important to know the judge, to know the applicable cases and to make a careful record.

**Clinical Law**  
**Students who have**  
**ideas about**  
**alternative forms**  
**of Clinical Law**  
**programs should**  
**see**  
**Prof. Mardelker.**

course. It is common knowledge that most if not all the third year students participated in the exchange of papers during the course of last semester. On this point we recognize and uphold the distinction between the validity of a rule and the efficacy of a rule. Hans Kelsen in his work entitled, *General Theory of Law and State* (trans. by A. Wedberg) (New York: Russell & Russell, 1961), differentiates between the validity and efficacy of a rule by stating that validity means that men "ought" to behave in accordance with binding legal norms, whereas efficacy means that men actually behave in accordance with these norms. In short, validity is a quality of a rule, whereas efficacy is a quality "of the actual behavior of men" and not of the rule itself. The legal norm, therefore, "is the expression of the idea that something ought to occur" and not the actual behavior of the individual concerned. See also, H.L.A. Hart, *The Concept of Law* (London: Oxford University Press, 1961).

It can readily be seen that the rule proscribing plagiarism, although valid was not efficacious in relation to "Business Planning and Drafting." If that be the case, which we hold that it is, it becomes an act of futility to prosecute these students or any others who are accused of violating this rule with respect to this course. Therefore, notwithstanding our holding above, we also state that the inefficacy of the rule in this case renders the complaint meaningless and unenforceable by this Council.

Randall B. Lowe.  
All concur in this opinion.

Dates this 29th day of January, 1973, A.D.

*different!*



# Moot Court

The Iowa Society of International Law will host the annual Midwest Regional Round of the 1973 Phillip C. Jessup International Law Moot Court Competition. The Regional will be held Tuesday, March 6, and Wednesday, March 7, at the College of Law, University of Iowa, Iowa City, Iowa.

Representing Washington University School of Law in the oral competition will be Peter Cantwell, John Harris and Tom Peterson. Andrea Grant and Michael Lax complete the five-member team of students who wrote the briefs for the competition.

Experts in ocean use and the law of the sea as well as professors of international law from the competing schools will be serving as judges. Professors

Gray Dorsey and Peter Mutharika have accepted invitations to preside.

A colloquium on ocean resource use sponsored by the new World Order Studies Department of the University of Iowa will be held immediately following the competition.

On March 30 and 31, Dan Austin and David Adamson will represent the law school in the South Dakota Moot Court Regional Competition. Their problem concerns issues raised by the use of wiretap evidence in a criminal prosecution and the constitutionality of capital punishment.

Members of the student body who are interested in further information concerning Moot Court competitions should contact Moot Court in Room 406.

## Higher requirements for law schools approved

The American Bar Association has adopted new standards which set higher, but more flexible, requirements for ABA approval of law schools.

The Association's policy-making House of Delegates approved the standards during the ABA midyear meeting in Cleveland. Updated rules of procedure for law school approval also were adopted.

The new standards were developed by the ABA Section of Legal Education and Admissions to the Bar. They have been reviewed by the chief appellate judges and bar examiners in all the states, and by the deans of all ABA-approved law schools.

According to section chairman Thomas H. Adams, Detroit, two principal objectives underlie the revision of the standards: an increase in the quality of legal education and a recognition that quality legal education may take a variety of forms.

"Legal education has been criticized both by legal educators and by members of the bar generally for its lack of diversity," he said. "These new standards state the requirements for approval in less quantitative and more qualitative terms so as to permit a greater diversity of qualitative programs to measure up to the ABA's accreditation requirements. The hope is that this approach will not only permit but encourage this greater diversity."

To be eligible for ABA approval under the new standards, a law school must have at least six full-time faculty members, plus a full-time dean and law librarian. The former standards, adopted in 1921, required a minimum of only three full-time faculty members, with not less than one full-time teacher for each 75 students.

Students in ABA-approved law schools will now have to complete an additional eight semester hours of coursework. A total of 80 semester hours of credit is now required for graduation, with at least 60 semester hours earned in conventional classroom work.

The standards recognize the importance of non-classroom legal education programs, but stipulate that non-classroom study must be conducted or periodically reviewed by faculty members to ensure achievement of educational objectives.

In addition to core subjects and instruction in professional responsibility, law schools must offer training in professional skills, such as counseling, drafting, and trial and appellate advocacy (emphasis added).

The House of Delegates also passed an amendment to the proposed standards stipulating that law schools provide and require "instruction in the duties and responsibilities of the legal profession."

Some of the new standards state the rules in less quantitative terms, permitting greater flexibility.

Formerly, at least two-thirds of the hours of instruction were to be taught by full-time faculty members. Under the new standards, "substantially all" of the instruction in first-year courses, and a "major portion" of the total instruction, must be given by full-time faculty members.

The revised Rules of Procedure for the Approval of Law Schools are largely a codification of present practices, with two main changes. The interval between reinspections of fully-approved law schools has been increased from five to seven years. Secondly, reinspected schools will be required to pay travel expenses of the inspectors. In the past, this cost was borne borne by the ABA.

on reserve which describe both the competition and the techniques used in the "interview". Competition is by two-person teams, and no particular subject matter expertise is required. Anyone interested should see Prof. Haworth as soon as possible.

## Mock law office competition announced

At a meeting of interested students on February 28, Professor Haworth announced that the 1973 Law Office Competition would be held in early March. Sponsored by the ABA, the competition tests students interviewing skills.

Materials will soon be placed

# Faculty Committee to study alternative grade systems

Acting Dean Mills has appointed a faculty committee to examine alternative forms of grading. Dean Boren and Professors Newburger and Johnston comprise the committee. Dean Boren is the Chairman.

Mills cited three reasons why he believed a change in the current grading system was necessary. First, employers are unfamiliar with the system. "Without explanation, a prospective employer may regard a 72 average as a C when, in fact, it represents a very strong law student," Mills said. Mills indicated that it is unlikely that an employer (other than a Washington University Law School graduate) would be familiar with our system since he (Mills) believes that the "55-90" form is unique.

Secondly, the present form of ranking is not considered very informative. "Differences in rank are very fine," Mills

stressed. "The difference between a student who is ranked 40th and a student who is ranked 80th is not very great."

Finally, Mills expressed some concern with the operation of Gresham's law in the student selection of courses. (Gresham's law is the tendency, when two or more coins are equal in debt-paying power but unequal in intrinsic value, for the one having the least intrinsic value to remain in circulation and for the other to be hoarded.) In short, high medians in certain courses have pressured students to enroll in those courses, avoiding other valuable courses with a history of lower medians.

Dean Mills said that while the examination of grading systems was in the "advance pre-planning stage", he and Dean Boren had at least agreed that a "detailed and sophisticated study of current grading patterns is necessary."

There is a need to explore the desirability of some kind of standardized grading system, according to Mills. He added that there was a possibility that courses with small enrollments would be excepted from any standardized system. In conjunction with this possibility Mills suggested that another possibility was a median fixed according to enrollment. He admitted, however, that such a form would only address the Gresham's law problem cited above. Another possibility is the addition of 10 points to all scores, thereby making the scoring more familiar to employers. This form, however, still leaves us with the ranking problem.

One solution to the ranking problem, according to Mills, is to stop making the calculation altogether. But he indicated that this might be going to far. A "lumping" of students—something that could be achieved by using a letter-grade system—might be more informative, Mills said.

## Summer School:

Two professors are committed to teaching summer school courses, and two more are being sought in order to fulfill the faculty's desire to expand summer school to four courses.

Arvo Van Alstyne, Professor at the University of Utah College of Law, will be teaching a course in Local Government Law. Martin A. Frey, Professor at Texas Tech University School of Law and a '65 Washington University Law School graduate, will be teaching a course in student rights (legally recognized).

Summer School will begin May 29 and continue through July 14 with exams given the following week. The courses are worth three hours of credit and will cost \$300 per course. Students will be limited to taking a maximum of two courses.

## Prof. Becker gets award

Professor David M. Becker received a Faculty Award from the University's Alumni Board of Governors in recognition of outstanding teaching and scholarship. The award was presented along with other faculty and alumni awards at the annual Founders Day banquet which was held at the Chase-Park Plaza Hotel on February 10. The event marked the 120th anniversary of the founding of Washington University.

Professor Becker, a native of Chicago, Illinois, earned his bachelor's degree from Harvard University, where he was graduated magna cum laude. He received his law degree from the University of Chicago Law School.

Professor Becker has been on the faculty of the Washington University School of Law since 1963. He assumed his present position as professor of law in 1969. His special fields of research are future interests and estate planning and landlord-tenant law. He is a member of the Association of American Law Schools' Roundtable on Trusts and Estates.

## MoPIRA opposes increase in small loan interest rate

The Missouri Public Interest Research Group has sent a letter to all members of the General Assembly opposing a move by the small-loan lobby to increase the rate of interest for small loans in Missouri.

Present Missouri law provides that an interest rate of 26% may be charged for loans up to and including \$500 with each dollar over the first 500 being charged at a rate of no more than 8%. The small-loan lobby has been pushing a bill introduced by Senator Richard M. Webster, (Rep., Carthage), that would raise the 8% limit to 26% for the first \$1,000 loaned. The bill now awaits action on the Senate floor after recently being recommended for passage by the Senate Banks and Banking Committee.

MoPIRG opposes the measure because the increase in interest rates would be an added burden to the working poor of this state.

February 13, 1973  
Honorable Members of the General Assembly:

The Missouri Public Interest Research Group opposes the passage of a bill which would raise the legal ceiling on allowable interest rates on small loans in Missouri.

Present Missouri law provides that an interest rate of 26% may be charged for loans up to and including \$500 with each dollar over the first 500 being charged at a rate of no more than 8%. The small-loan lobby has been pushing a measure that would raise the 8% limit to 26% for the first \$1,000 loaned.

The users of this type of small loan, credit are invariably the undereducated, low-income consumers who have difficulty in obtaining credit at other institutions with more reasonable credit terms. Too often the undereducated poor are victimized by high pressure sales tactics to obtain much more credit than is within the limits of sound personal money management simply because it is available in the marketplace.

Raising the legal ceiling of interest rates will allow loan companies to take greater risks in

the extension of credit because the higher interest rates will cover a greater number of losses than can be absorbed under the present statutory maximum.

The argument that raising the interest rates would be good for the low-income consumer is inaccurate. This argument hides the fact that for the most part only the poor and the undereducated are willing to pay the high interest rates for small loans. The argument also covers up the fact that higher interest rates are for high risk loans which means in simple terms that more defaults, more repossessions, and more wage garnishments will take place on loans made to the poor.

A Federal Trade Commission study of Washington, D.C. retailers who specialized in furniture and appliance credit sales to low-income consumers found that these retailers resorted to court action to collect obligations for one out of every eleven customers. On the other hand, department stores in the same area used court action for only one out of every 14,500 customers.

To the merchants in the FTC study specializing in the low-income market, the cost of going to court is considered a normal cost of doing business and part of the regular routine operations. The high interest rates charged to low-income consumers make it possible for these merchants to absorb abnormally high legal expenditures.

For the sake of the low-income consumer, who will be least able to afford the increase in interest rates, we urge that you do not pass the measure to increase the legal ceiling for interest rates. Legislators who favor the measure should be aware that they are not voting in the interest of the working poor, but for the pockets of the small loan institutions. And given the proliferation of these companies in the St. Louis area, we doubt that they are having trouble making a reasonable standard of living, which is more than can be said for the working poor of this state.



















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